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1	IN THE UNITED STATES DISTRICT COURT
2	FOR THE SOUTHERN DISTRICT OF FLORIDA
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4	************
5	NORKOL/FIBERCORE, INC., *
6	Plaintiff * Case No. 01-14019-CIV
7	vs. * -MIDDLEBROOKS
8	L&P CONVERTERS CORP., *
9	STERLING TECHNOLOGY, INC. * Magistrate Judge
10	and MARTIN R. GUBB, * Lynch
11	Defendants *
12	***********
13	
14	
15	DEPOSITION OF ANDRE LAVALLEE
16	At the Law Offices of
17	CATUOGNO COURT REPORTING SERVICES
18	1414 Main Street, Monarch Place
19	Springfield, Massachusetts 0114
20	July 19, 2001 2:03 p.m.
21	
22	
23	Deborah R. Leonard
24	Registered Professional Reporter

APPEARANCES: Representing the Plaintiffs: ROBERT J. GORMAN, P.A. 1209 Delaware Avenue Fort Pierce, Florida 34950 BY: ROBERT J. GORMAN, ESQ. (561) 465-5311 FAX (561) 465-5722 Representing the Defendants: HOLLAND & BONZAGNI, P.C. Longmeadow Professional Park 171 Dwight Road Longmeadow, Massachusetts 01106 BY: DONALD S. HOLLAND, ESQ. (413) 567-2076 FAX (413) 567-2079 In attendance: Karl Thomas Kristen Edwards, Interning Stenographer	PAGE PAGE Composite Exhibit G, videotape
INDEX	ANDRE LAVALLEE, Deponent, having first been duly sworn, deposes and states as follows: EXAMINATION BY MR. GORMAN: Q. Mr. Lavallee, I'm Bob Gorman. I represent the plaintiff in this action, Norkol/Fibercore Inc. And this is an opportunity for us to get some information that you might personally know or have any information about any of the matters in the case. If, for any reason, you don't understand any of my questions, whether I've mumbled, I've asked an incoherent question, it just doesn't make sense, my accent, my mixed accent, any of that, let me know, okay? A. All right. Q. And if you don't indicate you don't understand the question, I'm going to make the assumption that you do understand it. Fair enough? A. Fine. Q. For the record, would you tell us

Γ		<u> </u>		
				8
1	your full name and your residence address.	1	Road, C	Charlton, Mass.?
2	A. Andre Lavallee, 38 Harrington Road,	2	A.	Yes.
3	Chariton, Massachusetts.	3	Q.	How long have you resided there?
4	MR. HOLLAND: And, for the record,	4	A.	Two years.
5	we're going to continue with the same	5	Q.	Prior to that, where did you live?
6	stipulations that we did in the earlier	6	A.	Thompson, Connecticut.
7	deposition?	7	Q.	Okay, where in Thompson? Is that
8	MR. GORMAN: Sure.	8	Thomps	on or Thompsonville?
9	MR. HOLLAND: Including about the	9	A.	Thompson.
11	confidentiality. And in this particular	10	Q.	Thompson, okay.
12	instance, there are going to be some	11	A.	On Route 198, I believe it was, in
13	instances that are going to be sensitive	12		on. I had a house there.
14	that I'm not going to know when they until they occur. And I hate to have	13	Q.	How long did you reside there?
15	Mr. Thomas jumping up and down. I don't	14	A .	Thirteen years.
16	think there are going to be that many, but	15	Q.	Now, what's your date of birth?
17	there are some that are going to that	17	A. Q.	February 14th, '38.
18	will undoubtedly occur.	18	Q. A.	And your social security number? 010-30-7409.
19	MR. GORMAN: We'll address them. I	19	Q.	And, currently, you have a
20	don't think you and I will have any	20	•	icut or a Massachusetts driver's license?
21	difficulty, Don, in addressing those	21	A.	Mass.
22	MR. HOLLAND: Okay.	22	Ο.	Have you ever had a Connecticut
23	MR. GORMAN: And I have a pretty	23	driver's	
24	good sense of where they might come up.	24	A.	Yes.
	7			9
1	We'll try to do that. I've already	1	Q.	And place of birth?
2	discussed those aspects with my client's	2	A.	Southbridge, Massachusetts.
3	representative.	3	\mathbf{Q} .	Give me well, let me start it
4	Q. (By Mr. Gorman) Do you have a	4	this way	. Your employer is, currently, L&P
5	middle initial?	5	Convert	ers Inc.?
6 7	A. A.	6	A.	Yes.
8	Q. What do you usually go by?	7	Q.	How long have you been employed by
9	A. Usually, Andre Lavallee. O. Andre, okav.	8	L&P Co	nverters?
10		9	A,	Fifteen years.
11	A. Except in legal papers, I use my middle initial.	10	Q.	Have you ever been employed by
12	Q. Are you more comfortable as Andre?	111		Technologies or Sterling Envelope?
13	A. Yes.	12	A.	No.
14	Q. As Andy?	13	Q. Starling	What is your current position with
15	A. Yes. Oh, Andy is fine.	15		or, excuse me, with L&P?
16	Q. Okay. Because, actually, up until	15		Maintenance supervisor.
17	today, all's I've ever heard your name referred	17	Q.	And what are your duties as
18	to was as Andy.	18		nce supervisor? To oversee the maintenance of all
19	A. Yes.	19		inery, industrial trucks, buildings,
20	Q. Is that what people normally call	20	tractor to	· (1
21	you?	21		Okay.
22	A. Yes.	22	A.	That's it.
23	Q. And I think, just to clarify, I	23	Q.	Who is your inimediate supervisor?
24	think I caught your address as 38 Harrington	24		Martin Gubb
				ŀ

2 you supervise? 3 A. Three. 4 Q. And what types of duties do those: 5 three employees have? 6 A. Everything I just mentioned. 7 Q. Now, when you say maintenance of 8 I think vou sad equipment? 9 A. Machinery. 10 Q. Machinery. 11 A. Mm-hmm. 12 Q. Is that machinery that is utilized by the company in 1ts business? 13 by the company in 1ts business? 14 A. Yes. 15 Q. Does it include equipment that might be held in inventory for sale? 16 be held in inventory for sale? 17 A. Yes. 18 Q. And how long have you held the position of maintenance supervisor? 19 A. I had any own business. 21 Q. And prior to that, what was your position? 22 A. I had my own business. 23 Q. Okay. Well, I think you've been 10 A. No. 11 Q. Are you certified by any organizations or associations, professional or otherwise? 12 Q. I'd like to take you back a bit. 13 When did you graduate from high school? 14 A. Yes. 15 Q. I'd like to take you back a bit. 16 When did you graduate from high school? 17 A. Yes. 18 Q. After graduation, what did you do? 18 A. Yes. 29 Q. After graduation, what did you do? 20 A. I went to work for an auto parts company. 20 Q. Okay. Doing what? 21 company. 22 company. 23 Q. Okay. Well, list about five years before shore and the first two years, what was your position? 24 Q. I'd like to take you back a bit. 25 Q. After graduation, what did you do? 26 A. Yes. 27 A. Yes. 28 A. I went to work for an auto parts company. 29 Q. Okay. Doing what? 20 Q. Okay. Doing what? 21 Q. Okay. 22 A. Yes. 23 Q. Okay. So something like that? 24 Q. Okay. So something like that? 25 A. Went to work for an auto parts company. 26 Q. Okay. Okay. Okay. Okay. Okay. Okay. So something like that? 29 Q. Okay. Oka	<u> </u>		—	
you supervise? 3			•	12
2 you supervise? 3 A. Three. 4 Q. And what types of duties do those: three employees have? 5 three employees have? 6 A. Everything I just mentioned. 7 Q. Now, when you say maintenance of 8 I think vou said equipment? 9 A. Machinery. 10 Q. Machinery. 11 A. Mm-hmm. 12 Q. Is that machinery that is unlized by the company in its business? 13 by the company in its business? 14 A. Yes. 15 Q. Does it include equipment that might be held in inventory for sale? 16 be held in inventory for sale? 17 A. Yes. 18 Q. And how long have you held the position of maintenance supervisor? 19 Q. And proor to that, what was your position? 20 A. I had my own business. 21 Q. Okay. Well, I think you've been 22 A. Wes. 3 Q. Okay. Well, I think you've been 3 A. I had my own business. 4 Q. Just maintenance mechanic? Do you have any professional licensure or certification, issued by any state? 4 Q. Okay by any state? 5 A. No. 6 Q. I'd like to take you back a bit. 6 When did you graduate from high school? 7 A. Yes. 8 Q. Here in Massachusetts? A. Yes. 9 Q. Okay. When did you do? A. No. 10 Q. After graduation, what did you do? A. Yes. 10 Q. Okay. Doing what? 11 A. Yes. 12 Q. Okay. What happened to he mater shop you purchase the mace shop? 12 A. Yes. 13 Q. Okay. Well, Just about five years before shop you purchase the mace shop? 14 A. No. 15 Q. I'd like to take you back a bit. 16 When did you graduate from high school? 17 A. '56. 18 Q. Here in Massachusetts? A. Yes. 19 A. Yes. 10 Q. Okay. Doing what? 2 A. I seld lit. 2 Q. Did you close it down? Did you something like that? 2 A. I went to work for an auto parts company. 2 A. I seld lit. 2 Q. Did you close it down? Did you some parts of the mace shop you close it down? Did you some parts of the mace shop you close it down? Did you some parts of the mace shop you close it down? Did you some parts of the mace shop you close it down? Did you some parts of the mace shop you close it down? Did you some parts of the mace shop you close it down? Did you some parts of the mace shop you close it down?	l	Q. And do you have any employees who	l t	
3 A. Infree. 4 Q. And what types of duties do those: 5 three employees have? 6 A. Everything I just mentioned. 7 Q. Now, when you say maintenance of 8 ithink you said equipment? 9 A. Machinery. 10 Q. Machinery? 11 A. Mm-hmm. 12 Q. Is that machinery that is utilized 13 by the company in its business? 14 A. Yes. 15 Q. Does it include equipment that might be held in inventory for sale? 16 be held in inventory for sale? 17 A. Yes. 18 Q. And how long have you held the position of maintenance supervisor? 21 Q. And pror to that, what was your position? 22 A. I had my own business. 24 Q. Okay. Well, I think you've been 10 I fifteen years with L&P? 2 A. Mm-hmm. 3 Q. Thirteen years in this position. So for the first two years, what was your position? 4 A. No. 9 Just maintenance mechanic? 10 Q. Just maintenance mechanic. 11 Q. Just maintenance mechanic? 12 Q. Just maintenance mechanic? 13 Q. Just maintenance mechanic? 14 A. No. 15 Q. I'm sorry. Just the maintenance mechanic. 16 Q. Just maintenance mechanic? Do you have any professional licensure or certification, issued by any state? 17 A. No. 18 Q. I'm sorry. Just the maintenance mechanic. 29 Just maintenance mechanic? Do you have any professional licensure or certification, issued by any state? 19 Q. Are you certified by any organizations or associations, professional or otherwise? 10 Q. Are you certified by any organizations or associations, professional or otherwise? 11 Q. Are you certified by any organizations or associations, professional or otherwise? 12 Q. I'd like to take you back a bit. 14 A. No. 15 Q. I'd like to take you back a bit. 16 When did you graduate from high school? 17 A. '\$6. 18 Q. Here in Massachusetts? 18 Q. Okay. Doing what? 19 A. Petter in Was called be unit the same company. 20 Q. After graduation, what did you do? 21 A. Yes. 22 A. I sold it. 23 A. I sold it.	l	•	2	machine shop with the auto parts company?
4 Q. And what types of duties do those: 5 three employees have? 6 A. Everything I just mentioned. 7 Q. Now, when you say maintenance of 8 I think you said equipment? 9 A. Machinery. 10 Q. Machinery. 11 A. Mm-hmm. 12 Q. Is that machinery that is utilized 13 by the company in its business? 14 A. Yes. 15 Q. Does it include equipment that might be held in inventory for sale? 16 be held in inventory for sale? 17 A. Yes. 18 Q. And how long have you held the position of maintenance supervisor? 19 position of maintenance supervisor? 20 A. Thirreen years. 21 Q. And prior to that, what was your position? 22 A. I had my own business. 24 Q. Okay. Well, I think you've been 10 fifteen years with L&P? 2 A. Mm-hmm. 2 Q. Just maintenance mechanic? 3 Q. Thirteen years in this position. So for the first two years, what was your position? 4 A. No. 4 I want and maintenance mechanic? 5 A. Oh. I'm sorry. Just the maintenance mechanic. 6 mechanic. 9 Just maintenance mechanic? Do you have any professional licensure or certification, issued by any state? 10 A. No. 11 Q. Are you certified by any organizations or associations, professional or otherwise? 11 A. No. 12 Q. Are you certified by any organizations or associations, professional or otherwise? 11 A. No. 12 Q. Are you certified by any organizations or associations, professional or otherwise? 12 A. Yes. 13 Q. Hare in Massachusetts? 14 A. No. 15 Q. I'd like to take you back a bit. 16 When did you graduate from high school? 17 A. '56. 18 Q. Here in Massachusetts? 18 A. Yes. 29 Q. After graduation, what did you do? A. I went to work for an auto parts company. 20 Q. Okay. Doing what? 21 A. I sold it.			3	
6 A. Everything I just mentioned. 7 Q. Now, when you say maintenance of 8 I think you said equipment? 9 A. Machinery. 10 Q. Machinery. 11 A. Mm-hmm. 12 Q. Is that machinery that is unlized 13 by the company in its business? 14 A. Yes. 15 Q. Does it include equipment that might 16 be held in inventory for saile? 17 A. Yes. 18 Q. And how long have you held the 19 position of maintenance supervisor? 10 A. Thirteen years. 11 Q. And prior to that, what was your 12 position? 13 A. I had my own business. 14 Q. Okay. Well, I think you've been 15 A. Oh. I'm sorry. Just the maintenance mechanic. 16 Q. Just maintenance mechanic? Do you have any professional licensure or certification, issued by any state? 16 A. No. 17 Q. Are you certified by any organizations or associations, professional or otherwise? 18 Q. Are you certified by any organizations or associations, professional or otherwise? 19 A. No. 10 Q. Are you graduate from high school? 11 A. No. 12 Q. Are graduation, what did you do? A. I went to work for an auto parts company. 16 Q. Okay. Doing what? 17 A. Yes. 18 Q. Okay. Well, J think provide been 18 Q. Happened to have a machine sha an adjunct? 19 Q. Machery. 20 Q. Are you certified by any organizations or associations, professional or otherwise? 21 A. No. 22 Q. Are graduation, what did you do? A. Yes. 23 Q. Okay. Doing what? 24 Q. Okay. Doing what? 25 Q. Okay. Doing what? 26 Q. Okay. Doing what? 27 Doing with the sam company. 28 A. I was, but I purchased the ms company lating that entire thirty-five years company. 29 A. I had that for five years. 20 Q. Okay. Well, what was the auto parts company. 20 Okay. Well, what was the auto parts company. 21 Q. Okay. Well, what was the auto parts company. 22 Q. Okay. Well, I think machine sho an adjunct? 23 A. I had my own business. 24 Q. Okay. Well, I think you've been 25 Q. Okay. Well, I think you've been 26 Q. Are you certified by any organizations or associations, professional or otherwise? 27 Q. Okay. So sometime early eighting the part of the michange of the michanc			4	
6 A. Everything I just mentioned. 7 O Now, when you say maintenance of 8 I think you said equipment? 9 A. Machinery. 10 Q. Machinery? 11 A. Mm-hmm. 12 Q. Is that machinery that is unlized 13 by the company in its business? 14 A. Yes. 15 Q. Does it include equipment that might 16 be held in inventory for sale? 17 A. Yes. 18 Q. And how long have you held the 18 position of maintenance supervisor? 19 A. Thirteen years. 21 Q. And pror to that, what was your 22 position? 23 A. I had my own business. 24 Q. Okay. Well, I think you've been 11 1 fifteen years with L&P? 2 A. Mm-hmm. 3 Q. Thirteen years in this position. So 4 for the first two years, what was your position? 2 A. Oh, I'm sorry. Just the maintenance 6 mechanic. 6 mechanic. 7 Q. Just maintenance mechanic? Do you have any professional licensure or certification, issued by any state? 10 Q. Are you certified by any organizations or associations, professional or otherwise? 11 Q. Are you certified by any organizations or associations, professional or otherwise? 11 A. No. 12 Q. After graduation, what did you do? 13 A. 'Yes. 14 A. No. 15 Q. I'd like to take you back a bit. 16 When did you graduate from high school? 17 A. '56. 18 Q. After graduation, what did you do? 20 A. I went to work for an auto parts company. 21 Q. Okay. Doing what? 22 A. I sold it. 23 A. I sold it.			5	A. Until I went to work for L&P.
## 1 think you said equipment? A. Machinery. Sept.	_		6	
1 think you said equipment? A. Machinery. Q. Machinery? II. A. Mm-hmm. A. Yes. Q. Does it include equipment that might be held in inventory for sale? A. Yes. Q. And how long have you held the position of maintenance supervisor? A. Thirteen years. Q. Okay. A. I had my own business. A. I had my own business. Q. Okay. Well, I think you've been II. G. A. Wes. Q. Okay. Well, I think you've been III. G. A. Wes. Q. Okay. Well, I think you've been III. G. A. Wes. Q. Okay. Well, I think you've been III. G. A. Wes. Q. Okay. Well, I think you've been III. G. Well, Wast was the auto parts of the first two years, what was your position? A. A. I had my own business. Q. Okay. Well, I think you've been III. G. Well, Wast was was your position? A. Oh. I'm sorry. Just the maintenance mechanic. Q. Just maintenance mechanic? Do you have any professional licensure or certification, sissued by any state? A. No. Q. Are you certified by any organizations or associations, professional or otherwise? A. No. Q. I'd like to take you back a bit. When did you graduate from high school? A. Yes. Q. Okay. Doing what? A. I well, just about five years before started working for L&P. Q. Okay. What happened to he machine shop? A. Well, just about five years before started working for L&P. Q. Okay. What happened to the misshop? A. I went to work for an auto parts company. Q. Okay. Doing what? A. I sold it.		Q. Now, when you say maintenance of	7	company during that entire thirty-five years?
9 A. Machinery. 10 Q. Machinery. 11 A. Mm-hmm. 12 Q. Is that machinery that is unlized 13 by the company in its business? 14 A. Yes. 15 Q. Does it include equipment that might 16 be held in inventory for sale? 17 A. Yes. 18 Q. And how long have you held the 19 position of maintenance supervisor? 20 A. Thirreen years. 21 Q. And prior to that, what was your 22 position? 23 A. I had my own business. 24 Q. Okay. Well, I think you've been 25 A. Oh, I'm sorry. Just the maintenance mechanic. 26 mechanic. 27 Q. Just maintenance mechanic? Do you have any professional licensure or certification, issued by any state? 28 A. No. 29 Q. Just maintenance mechanic? 30 Q. I'd like to take you back a bit. 31 Q. Are you certified by any organizations or associations, professional or otherwise? 31 A. No. 32 Q. I'd like to take you back a bit. 33 Q. I'd like to take you back a bit. 44 A. No. 45 Q. I'd like to take you back a bit. 46 When did you graduate from high school? 47 A. '56. 48 Q. Here in Massachusetts? 49 Q. Okay. Doing what? 40 Q. Okay. Doing what? 40 Q. Okay. Doing what? 41 A. I sold it. 41 Isold it. 41 Isold it.	_	• •		
11 A. Mm-hmm. 12 Q. Is that machinery that is utilized 13 by the company in its business? 14 A. Ves. 15 Q. Does it include equipment that might 16 be held in inventory for sale? 17 A. Yes. 18 Q. And how long have you held the 19 position of maintenance supervisor? 20 A. Thirteen years. 21 Q. And prior to that, what was your 22 position? 23 A. I had my own business. 24 Q. Okay. Well, I think you've been 26 A. Mm-hmm. 27 Q. Does with L&P? 28 A. Mm-hmm. 29 G. Thirteen years in this position. So 29 for the first two years, what was your position? 20 A. Oh, I'm sorry. Just the maintenance mechanic. 21 Q. Just maintenance mechanic? Do you have any professional licensure or certification, issued by any state? 29 organizations or associations, professional or otherwise? 20 Q. Are you certified by any organizations or associations, professional or otherwise? 31 A. No. 32 Q. I'd like to take you back a bit. 33 Q. I'd like to take you back a bit. 34 Q. Are you certified by any organizations or associations, professional or otherwise? 45 Q. I'd like to take you back a bit. 46 When did you graduate from high school? 47 A. '56. 48 Q. Here in Massachusetts? 49 Q. Okay. Doing what? 40 Q. Okay. Doing what? 40 Q. Okay. Doing what? 41 A. A. At that time it was called Bou ocompany? 4 A. A. At that time it was called Bou ocompany? 4 A. A. At that time it was called Bou ocompany? 4 A. A. At that time it was called Bou ocompany? 4 A. A. At that time it was called Bou ocompany? 4 A. B-O-U-S-T. 4 A. Co. Vay. Bousquet. And that was adioparts supplier? 4 A. Yes. Mm-hmm. 5 A. Yes. 6 Q. And at what point— is that the machine shop you purchase the machine shop you purchase the machine shop you purchased? 4 A. Yes. 6 Q. And at what point— is that the machine shop you purchased? 4 A. Somewhe	-	~	9	
12 Q. Is that machinery that is utilized by the company in its business? 14 A. Yes. 15 Q. Does it include equipment that might be held in inventory for sale? 16 A. Yes. 18 Q. And how long have you held the position of maintenance supervisor? 20 A. Thirteen years. 21 Q. And prior to that, what was your position? 22 position? 23 A. I had my own business. 24 Q. Okay. Well, I think you've been 11 fifteen years with L&P? 2 A. Mm-hmm. 3 Q. Thirteen years in this position. So for the first two years, what was your position? 4 A. Oh. I'm sorry. Just the maintenance mechanic. 7 Q. Just maintenance mechanic? Do you have any professional licensure or certification, issued by any state? 10 A. No. 11 Q. Are you certified by any organizations or associations, professional or otherwise? 12 A. Yes. 13 company? 14 A. At that time it was called Bou Be-O-U-S-Q-U-E-T. Q. Okay. Bousquet. And that was unto parts supplier? 20 Q. Okay. Bousquet. And that was unto parts supplier? 21 Q. Happened to have a machine sha andjunct? 22 an adjunct? 3 A. Yes. Mm-hmm. 4 Q. And you worked as a machinist A. Yes. 4 A. Yes. Mm-hmm. 5 Q. And at what point is that the machine shop you purchased? 8 A. Yes. 9 Q. When did you purchase the machine shop you purchased? 10 A. No. 11 Q. Are you certified by any organizations or associations, professional or otherwise? 11 A. No. 12 Q. Pid like to take you back a bit. 13 When did you graduate from high school? 14 A. No. 15 Q. I'm sorty. 16 Q. Here in Massachusetts? 17 A. '56. 18 Q. Here in Massachusetts? 18 A. Yes. 19 A. Yes. 10 Q. Aret graduation, what did you do? 21 A. Yes. 22 company. 23 Q. Okay. Doing what? 24 D. Okay. Boing with the was called Bou and that with a bousquet. And that with a unto parts and purch as the auto parts and purch a		· ·	10	Q. Okay.
by the company in its business? 14 A. Yes. 15 Q. Does it include equipment that might be held in inventory for sale? 16 A. Yes. 17 A. Yes. 18 Q. And how long have you held the position of maintenance supervisor? 20 A. Thirreen years. 21 Q. And prior to that, what was your position? 22 position? 23 A. I had my own business. 24 Q. Okay. Well, I think you've been 11 fifteen years with L&P? 2 A. Mm-hmm. 3 Q. Thirreen years in this position. So for the first two years, what was your position? 4 A. Oh, I'm sorry. Just the maintenance mechanic? 9 Q. Just maintenance mechanic? Do you have any professional licensure or certification, issued by any state? 10 A. No. 11 Q. Are you certified by any organizations or associations, professional or otherwise? 12 Q. Pid like to take you back a bit. 13 When did you graduate from high school? 14 A. Yes. 15 Q. Okay. Bousquet. And that with a did you do? 16 A. Mand you worked as a machinist an adjunct? 17 A. Yes. 18 Q. Okay. Bousquet. And that with a did you do? 29 A. Yes. 20 Q. And at what point is that the machine shop you purchased? A. Yes. 20 Q. Are you certified by any organizations or associations, professional or otherwise? 21 Q. Pid like to take you back a bit. 22 When did you graduate from high school? 23 A. I seld it. 24 A. Yes. 25 Q. Okay. Doing what? 25 A. Yes. 26 Q. Okay. So sometime early eighting for L&P. 27 Q. Okay. What happened to the misshop? 28 A. I seld it. 29 A. I seld it.				
A. Yes. 14 A. Yes. 15 Q. Does it include equipment that might be held in inventory for sale? 16 A. Yes. 17 A. Yes. 18 Q. And how long have you held the position of maintenance supervisor? 20 A. Thirteen years. 21 Q. And prior to that, what was your position? 22 position? 23 A. I had my own business. 24 Q. Okay. Well, I think you've been 11 fifteen years with L&P? 2 A. Mm-hmm. 3 Q. Thirteen years in this position. So for the first two years, what was your position? 5 A. Oh, I'm sorry. Just the maintenance mechanic? 6 mechanic. 7 Q. Just maintenance mechanic? Do you have any professional licensure or certification, issued by any state? 9 A. No. 10 Q. Are you certified by any otherwise? 11 Q. Are you certified by any otherwise? 12 organizations or associations, professional or otherwise? 13 A. Yes. 14 A. No. 15 Q. I'd like to take you back a bit. 16 When did you graduate from high school? 17 A. '56. 18 Q. Here in Massachusents? 19 A. Yes. 20 Q. After graduation, what did you do? 21 A. I went to work for an auto parts company. 22 company. 23 Q. Okay. Doing what? 24 A. I sold it. 25 A. I sold it. 26 A. At that time it was called Bou BA. At that time it was called Bou BA. A. B-O-U-S. 26 A. B-O-U-S. 27 A. B-O-U-S. 28 A. Q-U-E-T. 29 Q. Okay. Bo-U-S. 20 Q. Okay. Bosoquet. And that we auto parts supplier? 21 A. Yes. 22 Q. Or manufacturer? 22 A. Yes. 23 Q. Or manufacturer? 24 A. Yes. 25 A. Yes. 26 Q. And at what point is that the machine shop you purchased? 26 A. Yes. 27 A. Yes. 28 Q. When did you purchase the machine shop you purchased? 29 Q. When did you purchase the machine shop you purchase the machine shop you purchased? 29 Q. When did you purchase the machine shop you purchase the machine shop you purchased? 29 Q. Okay. So sometime early eighting the part of it any more. 20 Q. Okay. Bosometime early eighting the part of it any more. 21 Q. Did you close it down? Did you it? 22 any more. 23 A. I sold it.			1	Q. Well, what was the auto parts
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10 A. No. 11 Q. Are you certified by any 12 organizations or associations, professional or 13 otherwise? 14 A. No. 15 Q. I'd like to take you back a bit. 16 When did you graduate from high school? 17 A. '56. 18 Q. Here in Massachusetts? 19 A. Yes. 20 Q. After graduation, what did you do? 21 A. I went to work for an auto parts 22 company. 23 Q. Okay. Doing what? 20 In the professional or otherwise associations, professional or otherwise started working for L&P. 18 A. Well, just about five years before started working for L&P. 19 A. Somewheres, yes. 10 A. Somewheres, yes. 11 A. Well, just about five years before started working for L&P. 12 Started working for L&P. 13 Q. Okay. So sometime early eighting the professional or otherwise? 14 A. Somewheres, yes. 15 Q. '82 range, something like that? 16 A. Mm-hmm. 17 Q. Okay. What happened to the mass shop? 18 shop? 19 A. I just didn't want part of it anymore. 20 anymore. 21 Q. Did you close it down? Did you didn't want part of it? 22 anymore. 23 A. I sold it.	9			
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organizations or associations, professional or otherwise? A. No. O. I'd like to take you back a bit. When did you graduate from high school? A. '56. O. Here in Massachusetts? A. Yes. O. After graduation, what did you do? A. i went to work for an auto parts O. Okay. So sometime early eighti A. Somewheres, yes. O. '82 range, something like that? A. Mm-hmm. O. Okay. What happened to the mass shop? A. I just didn't want part of it anymore. O. Did you close it down? Did you it? O. Did you close it down? Did you 22 it? O. Okay. Doing what?	11			
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22 company. 23 Q. Okay. Doing what? 22 it? 23 A. I sold it.			20	
22 company. 23 Q. Okay. Doing what? 23 A. I sold it.		A. I went to work for an auto parts	21	· _
7. 1 3010 10.				
24 A. Machine shon work.			23	A. I sold it.
24 V. You sold it?	24	A. Machine shop work.	24	Q. You sold it?

		14
	1	A. Mm-hmm.
	2	Q. Prior to selling it, had you met
į	3	Martin Gubb?
I	4	A. No.
I	5	Q. Have you at any time attended any
I	6	type of courses or training sessions for any type
I	7	of advanced education, learning, vocation,
l	8	certificate?
ı	9	A. I went to a trade school.
l	10	Q. Okay. When, and which one?
	П	A. That's where I graduated in '56.
	12	Q. Oh, in '56, okay. Which trade
	13	school?
	14	A. It was Kole Trade High. K-O-L-E.
	15	Q. Where is that located?
	16	A. That was in Southbridge.
	17	Q. Are they still there?
	18	A. No.
	19	Q. Okay. And that was for machine
	20 21	operate machinists?
	22	A. No.
	23	Q. No?
	24	A. It was for electrical.
	44	Q. Electrical. Okay. And what made
		15
	ì	you decide to make the switch to machinist from
	2	electrical?
	3	A. I was always interested in
	4	machinery.
	5	Q. And someone had convinced you were
	6	supposed to be in electricity, and you finally
	7	got to go into what you wanted to?
	8	A. Yeah. Well, when I got out of
	9	school, I couldn't find a job.
	10	Q. Okay. Have you, at any time since,
	11 12	engaged in electrical work?
	12	A. Yes, off and on.
	1 <i>3</i> 1 <i>4</i>	Q. Off and on? What type?

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A. And some wiring in the plant.

A. Minor. Just lighting, mostly.

Q. Okay. Have you at any time

devices that would be patentable?

conceived of any new concepts or methods or

extent it calls for a legal conclusion.

Q. Okay. What wiring in the plant have

MR. HOLLAND: Objection, to the

Okay.

you done?

15

16

17

18

19

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21

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24

20 Where else have you seen it? We have another one in the shop. 2 Okay. I thought this one was developed, or conceived, and fabricated at L&P? A. We did make this one. Q. Okay. Where else have you seen one? A. I can't say that I've seen one anywhere else. 9 Q. Have you heard of any others like 10 it? 11 In magazines. 12 What magazines? 13 A. I'd have to say the converter 14 magazine, Paper, Film, and Foil Converter. 15 Q. Now, the ones that you've seen 16 advertised in the converter magazines, are those 17 advertised for sale? 18 A. I would guess. Q. When did you first see one in these 19 20 magazines advertised for sale? 21 A. When I started working for the 22 company. When you say the company, you're 23 Q. talking about L&P. 21 ı Yes. And that would have been 3 approximately 1985, 1986? A. Early eighties, yes. 5 Okay. So you had seen these similar machines in the magazines years before you had conceived of it. A. Yes. Q. Okay. Now, have you attended any 10 courses in engineering? 11 A. No. 12 O. Have you done any design of 13 electrical machinery, electrical systems? 14 A. Consulted on them. 15 Q. With whom have you consulted? 16 A. Company electrician. 17 Q. At L&P, as a part of your job. 18 19 Now, have you at any time designed 20 any electrical systems for machinery that would 21 be utilized in the company? 22 A. No. 23 Q. Have you at any time taken 24 photographs of equipment that is located at other

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22		
locations that are involved in the naner		A. I don't know the man's name.
industry?	2	Q. Was anyone with you?
A. Yes.	3	A. No.
Q. What photographs have you taken of	4	Q. Describe this operator.
	5	A. He's fairly tall. At least my
• •	-	height, or maybe a little higher, a little
	1	taller.
		Q. How tall are you?
· · · · · · · · · · · · · · · · · · ·	1	A. Six feet.
	1	
	1	MR. HOLLAND: By any chance, was h
•	1	wearing a gray cap with a visor and
	1	MR. GORMAN: Objection, counsel.
	1	Well, why don't you give us the
• •	1	photographs.
	1 '-	MR. HOLLAND: That's exactly
		MR. GORMAN: That's what was asked
		for quite some time ago in discovery.
1 1		MR. HOLLAND: Nobody it didn't
	1	come up in today's deposition yet. I
_ ·	20	figured
	1	MR. GORMAN: Well, if you've got
	22	them, why don't you give them to me, and we
A. I don't recall the name of the	23	can make it a whole lot easier.
company.	24	MR. HOLLAND: In addition to those
Q. Describe the saw that you took		photographs, here's the brochure you were
pictures of.	2	talking about earlier.
A. They had a base, or a turntable.	3	MR. GORMAN: Well, I've got those.
Channel type frame. Upright posts. With an arm	4	But, yeah, what else do you got there for
coming out of it, with a saw blade on the end.	5	production?
With a hydraulic system.	6	You know, these we had, and they
Q. Anything else about this that you	7	know we've had them because we've actually
recall?	8	attached them to stuff we've filed when
A. No.	9	they say they don't have anything.
	1 . [MR. HOLLAND: I've got some sketche
	ì	I'd like marked "Confidential," similar to
· · ·		the blueprints. The majority of these are
were working on.		hand-drawn. There are some that are
		don't look like they're pen and ink. There
· •		are some that generated on computer.
		- '
•		perhaps?
-		THE WITNESS: Yes.
		MR. HOLLAND: And that should
	i	assist. (Handing)
take photographs of that device?	20	We also have the videotape that you
A. Yes, I did.	21	were looking for, that we were talking
Q. From whom? A. The operator of the machine.	22 23	about earlier in our deposition. MR. GORMAN: Add it to my
	iocations that are involved in the paper industry? A. Yes. Q. What photographs have you taken of equipment at other locations? A. Well, about three-quarters of the machinery that's in the plant now I purchased, and I've taken pictures of every one of them. Q. Okay. Have you taken pictures of equipment in other locations that has not been purchased? A. At times. Q. Have you taken pictures of any equipment that is mobile in nature? A. Yes. Q. What equipment have you taken pictures of that is mobile in nature? A. A saw. Q. And when were those pictures taken? A. I believe it was April of '98. Q. And where were those photographs taken? A. I don't recall the name of the company. 23 Q. Describe the saw that you took pictures of. A. They had a base, or a turntable. Channel type frame. Upright posts. With an arm coming out of it, with a saw blade on the end. With a hydraulic system. Q. Anything else about this that you recall? A. No. Q. And what was the purpose of taking photographs? A. To compare it against something we were working on. Q. "We" being whom? A. L&P. Q. And what was it that you were working on? A. A device to cut paper rolls. Q. And did you obtain permission to	industry? A. Yes. O. What photographs have you taken of equipment at other locations? A. Well, about three-quarters of the machinery that's in the plant now I purchased, and I've taken pictures of every one of them. Q. Okay. Have you taken pictures of equipment in other locations that has not been purchased? A. At times. Q. Have you taken pictures of any equipment that is mobile in nature? A. Yes. Q. What equipment have you taken pictures of that is mobile in nature? A. A saw. Q. And when were those pictures taken? A. I believe it was April of '98. Q. And where were those photographs taken? A. I don't recall the name of the company. 23 Q. Describe the saw that you took pictures of. A. They had a base, or a turntable. Channel type frame. Upright posts. With an arm coming out of it, with a saw blade on the end. With a hydraulic system. Q. And what was the purpose of taking photographs? A. No. Q. And what was the purpose of taking photographs? A. To compare it against something we were working on. Q. "We" being whom? A. L&P. Q. And what was it that you were working on? A. A device to cut paper rolls. Q. And did you obtain permission to

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1	MP HOLLAND OF THE		28
2	MR. HOLLAND: Okay. This is the one		issue. And this one, again, is similar to
3	that you can question him. I've got to	2	the one that you have in your hand,
4	double-check, but this was the one that	3	Mr. Gorman. It's a series of purchase
1 .	was, apparently, taken by Mr. Lavallee.	4	orders for particular parts, etc., and the
5	THE WITNESS: Yes.	5	names of the vendors, which, again, the
6	MR. HOLLAND: This one. And that's	6	compilation is something that's not known,
7	it.	7	generally known, within the trade. And,
8	THE WITNESS: It's probably the same	8	therefore, for this one, too, we ask that,
9	tape you have, anyway.	9	at least for now, that it be marked
10	MR. GORMAN: We'll get into that,	10	Confidential, Counsel and Experts Only.
11	Anything else, counselor?	11	I recognize that this is a matter to
12	MR. HOLLAND: No, not at this time.	12	be determined later, as to whether or not
13	MR. GORMAN: For the record, let's	13	it should fall into that category. And I
14	go ahead and mark as exhibits since	14	leave that up to the counsel for the
15	these are production. I'd like to go and	15	parties to deal with, either by and amongst
16	continue from the numbers we had	16	themselves or with the court. But here's
17	previously - so using the letters for what	17	the second packet.
18	they've produced, the photographs	18	MR. GORMAN: The first packet, with
19	there's four in number will be Composite	19	a cover sheet that says "4 Chain Saws," I
20	C. The brochure, Composite D. The	20	guess
21	drawings, Composite E. The other	21	THE WITNESS: Mm-hmm.
22	blueprints and drawings, Composite F. And	22	MR. GORMAN: will be I guess
23	G for the video?	23	that's H.
24	MR. HOLLAND: I also have two	24	And the next, which I believe will
	27		29
ı	additional items that I'd like to mark	1	be I, is the latest one that is identified.
2	under the second tier, Confidential,	2	and that's a composite.
3	Counsel and Experts Only.	3	MR. HOLLAND: And, for the record.
4	One is for a device that predates	4	there were no other documents that were
5	the device at issue, that is sort of a	5	brought to me yesterday by either of the
6	precursor, one made with chain saws. And	6	two deponents today, neither from Alex
7	that's this particular packet that I have.	7	Infantino nor Andy Lavallee.
8	I'd like that marked Confidential, Counsel	8	Further, the production request
9	and Experts Only because it contains not	9	the response to production request that I
10	only piece-by-piece of the particular items	10	provided to Attorney Gorman earlier today,
11	involved, but where to get them and who the	11	during the first deposition, applies equal
12	particular vendors are. And I think this	12	
13	information is, clearly, not generally	13	to this particular deposition from the
14	known within the trade, as to the	14	party.
15	compilation that's involved. So that's	15	With that, I'll leave the
16	one.		questioning to you and sit back.
17	MR. GORMAN: Well, then you're not	16	/C 1. P. 1. 1
18	claiming it as prior art?	17	(Composite Exhibits C1 through C4,
19		18	color photographs, marked)
20	MR. HOLLAND: I didn't say that. I	19	
	leave that up to counsel. For now let's	20	(Composite Exhibit D, Precision
21	just mark it Confidential, Counsel and	21	paper saw brochure, marked)
22	Experts Only.	22	
23	Then I have a second packet. This	23	(Composite Exhibit E, drawings,
24	packet deals more with the machine at	24	designated Confidential, marked)
	!		

	30		32
		1	signatures. Also noted as Confidential,
2	(Composite Exhibit F, blueprints,	2	Counsel and Expert.
3	designated Confidential, marked)	3	Q. (By Mr. Gorman) Okay, why don't we
5	(Commenter Eulethia Coulds and	4	just go to the photographs. There's no dates on
6	(Composite Exhibit G, videotape, marked)	5	these. When were these taken?
7	marked)	6 7	A. There's a date on them.
8	(Composite Exhibit H, purchase	8	Q. There is?
9	orders, under cover sheet "4 Chain Saws,"		A. Yes, there is.
Ιó	designated Confidential, Counsel and	10	Q. Where's the date on them? A. Right below my thumb.
lii	Experts Only, marked)	111	Q. Okay. April '98. And do you know
12	Dapons Omy, markedy	12	whether that was processing date? Or how soon
13	(Composite Exhibit I, purchase	13	after they were taken were they processed?
14	orders, designated Confidential, Counsel	14	A. Probably the next day.
15	and Experts Only, marked)	15	Q. And how far did you travel to take
16		16	these?
17	MR. GORMAN: Okay. Just for the	17	A. I'd say about a hundred miles.
18	record, so to make sure we've got them	18	Q. About a hundred miles. So somewhere
19	lined up, we've got C1 through 4 as a	19	within a hundred-mile radius. Do you know which
20	composite, which is four photographs. D,	20	direction?
21	which is a copy of gray background, black	21	A. They were in southern Connecticut.
22	print, Sterling Technology, Inc. brochure.	22	I can tell you that.
23	Composite Exhibit E is a series of drawings	23	Q. Eastern Graphics?
24	and copies of drawings, apparently undated.	24	A. Possibly.
	31		33
1			
l 2	Composite F is a series of drawings which appears to be ink and whiteout, and	1 2	Q. Possibly? A. I'm not sure. It could be.
_	Composite F is a series of drawings which		Q. Possibly?
2	Composite F is a series of drawings which appears to be ink and whiteout, and	2	Q. Possibly? A. I'm not sure. It could be.
2 3 4 5	Composite F is a series of drawings which appears to be ink and whiteout, and photocopy, and ink on photocopy, with some	2	Q. Possibly?A. Um not sure. It could be.Q. How is it that you went down to
2 3 4 5 6	Composite F is a series of drawings which appears to be ink and whiteout, and photocopy, and ink on photocopy, with some handwritten notations in places, and dimensions. These are also undated? MR. HOLLAND: And E and F are	2 3 4	 Q. Possibly? A. I'm not sure. It could be. Q. How is it that you went down to Eastern Graphics to take these photographs?
2 3 4 5 6 7	Composite F is a series of drawings which appears to be ink and whiteout, and photocopy, and ink on photocopy, with some handwritten notations in places, and dimensions. These are also undated? MR. HOLLAND: And E and F are confidential, to be marked confidential.	2 3 4 5 6 7	Q. Possibly? A. I'm not sure. It could be. Q. How is it that you went down to Eastern Graphics to take these photographs? A. My employer asked me to go down.
2 3 4 5 6 7 8	Composite F is a series of drawings which appears to be ink and whiteout, and photocopy, and ink on photocopy, with some handwritten notations in places, and dimensions. These are also undated? MR. HOLLAND: And E and F are confidential, to be marked confidential. MR. THOMAS: Do you want me to go	2 3 4 5 6 7 8	Q. Possibly? A. I'm not sure. It could be. Q. How is it that you went down to Eastern Graphics to take these photographs? A. My employer asked me to go down. Q. And what did Mr. Gubb tell you? A. He said that they had a saw that they were demonstrating. Or they were — not
2 3 4 5 6 7 8	Composite F is a series of drawings which appears to be ink and whiteout, and photocopy, and ink on photocopy, with some handwritten notations in places, and dimensions. These are also undated? MR. HOLLAND: And E and F are confidential, to be marked confidential. MR. THOMAS: Do you want me to go out of the room when you talk about them?	2 3 4 5 6 7 8 9	Q. Possibly? A. I'm not sure. It could be. Q. How is it that you went down to Eastern Graphics to take these photographs? A. My employer asked me to go down. Q. And what did Mr. Gubb tell you? A. He said that they had a saw that they were demonstrating. Or they were — not demonstrating, I shouldn't say — cutting rolls
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2 3 4 5 6 7 8 9 10	Composite F is a series of drawings which appears to be ink and whiteout, and photocopy, and ink on photocopy, with some handwritten notations in places, and dimensions. These are also undated? MR. HOLLAND: And E and F are confidential, to be marked confidential. MR. THOMAS: Do you want me to go out of the room when you talk about them? MR. GORMAN: Only the ones that are Confidential, Counsel and Expert Only,	2 3 4 5 6 7 8 9 10	Q. Possibly? A. I'm not sure. It could be. Q. How is it that you went down to Eastern Graphics to take these photographs? A. My employer asked me to go down. Q. And what did Mr. Gubb tell you? A. He said that they had a saw that they were demonstrating. Or they were — not demonstrating, I shouldn't say — cutting rolls of paper with, at this particular location. I'm not sure of the name. And he asked me to go down
2 3 4 5 6 7 8 9 10 11	Composite F is a series of drawings which appears to be ink and whiteout, and photocopy, and ink on photocopy, with some handwritten notations in places, and dimensions. These are also undated? MR. HOLLAND: And E and F are confidential, to be marked confidential. MR. THOMAS: Do you want me to go out of the room when you talk about them? MR. GORMAN: Only the ones that are Confidential, Counsel and Expert Only, which I think was the next two.	2 3 4 5 6 7 8 9 10 11	Q. Possibly? A. I'm not sure. It could be. Q. How is it that you went down to Eastern Graphics to take these photographs? A. My employer asked me to go down. Q. And what did Mr. Gubb tell you? A. He said that they had a saw that they were demonstrating. Or they were — not demonstrating, I shouldn't say — cutting rolls of paper with, at this particular location. I'm not sure of the name. And he asked me to go down and look at it.
2 3 4 5 6 7 8 9 10 11 12	Composite F is a series of drawings which appears to be ink and whiteout, and photocopy, and ink on photocopy, with some handwritten notations in places, and dimensions. These are also undated? MR. HOLLAND: And E and F are confidential, to be marked confidential. MR. THOMAS: Do you want me to go out of the room when you talk about them? MR. GORMAN: Only the ones that are Confidential, Counsel and Expert Only, which I think was the next two. G or, excuse me. G is the video	2 3 4 5 6 7 8 9 10 11 12 13	Q. Possibly? A. I'm not sure. It could be. Q. How is it that you went down to Eastern Graphics to take these photographs? A. My employer asked me to go down. Q. And what did Mr. Gubb tell you? A. He said that they had a saw that they were demonstrating. Or they were — not demonstrating, I shouldn't say — cutting rolls of paper with, at this particular location. I'm not sure of the name. And he asked me to go down and look at it. Q. Did he tell you why?
2 3 4 5 6 7 8 9 10 11 12 13	Composite F is a series of drawings which appears to be ink and whiteout, and photocopy, and ink on photocopy, with some handwritten notations in places, and dimensions. These are also undated? MR. HOLLAND: And E and F are confidential, to be marked confidential. MR. THOMAS: Do you want me to go out of the room when you talk about them? MR. GORMAN: Only the ones that are Confidential, Counsel and Expert Only, which I think was the next two. G or, excuse me. G is the video that's been delivered. And H and I are	2 3 4 5 6 7 8 9 10 11 12 13	Q. Possibly? A. I'm not sure. It could be. Q. How is it that you went down to Eastern Graphics to take these photographs? A. My employer asked me to go down. Q. And what did Mr. Gubb tell you? A. He said that they had a saw that they were demonstrating. Or they were — not demonstrating, I shouldn't say — cutting rolls of paper with, at this particular location. I'm not sure of the name. And he asked me to go down and look at it. Q. Did he tell you why? A. To see if it was similar to what we
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Composite F is a series of drawings which appears to be ink and whiteout, and photocopy, and ink on photocopy, with some handwritten notations in places, and dimensions. These are also undated? MR. HOLLAND: And E and F are confidential, to be marked confidential. MR. THOMAS: Do you want me to go out of the room when you talk about them? MR. GORMAN: Only the ones that are Confidential, Counsel and Expert Only, which I think was the next two. G or, excuse me. G is the video that's been delivered. And H and I are composites of records of first one, the cover sheet of "4 Chain Saws," with various, apparently, invoices and purchase orders, with various dates, and has been indicated as Confidential, Counsel and Expert Only, I think? MR. HOLLAND: Right.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Possibly? A. I'm not sure. It could be. Q. How is it that you went down to Eastern Graphics to take these photographs? A. My employer asked me to go down. Q. And what did Mr. Gubb tell you? A. He said that they had a saw that they were demonstrating. Or they were — not demonstrating, I shouldn't say — cutting rolls of paper with, at this particular location. I'm not sure of the name. And he asked me to go down and look at it. Q. Did he tell you why? A. To see if it was similar to what we were working on. Q. And at that point, what were you working on? A. A device similar to that. Q. And what was your status — stage of work, or status? A. We were at the point we had most of

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	. 34		36
1	A. Which didn't produce a very good	1	first one, yeah.
2	cut.	2	Q. Okay. And yet you indicate that it
3	Q. Had a prototype been built?	3	was sometime in mid '97 that you first conceived?
4	A. This was the prototype. Or, I'm	4	A. Yes.
5	sorry, there was a prototype before that, which	5	Q. What part and what was your
6	was very crude in nature.	6	contribution in conceiving this device?
7	Q. And where is that device currently	7	A. My knowledge of the paper industry,
8	located?	8	the machinery.
9	A. That was all cut up and parts used	9	Q. And what was the purpose, or goal.
01	for different things.	10	of the device that you conceived?
11	Q. Okay, when was that device	11	A. An alternate method of cutting
12	fabricated?	12	psper.
13	A. Mid-1970s.	13	Q. Are you an owner in L&P Conveners?
14	Q. And by whom was that fabricated?	14	A. No. I'm not.
15	A. By L&P Converters.	15	Q. And what was Mr. Gubb's involvement
16	MR. HOLLAND: Clarify: What did you	16	in the conception?
17	say? Mid mid what?	17	A. I can't say.
18	A. 1970s - I'm - '97. I'm sorry. I	18	Q. Well, was it strictly your
19	keep doing that. 1997.	19	conception, then?
20	Q. (By Mr. Gorman) And what did they	20	A. No. Well, I'm sorry. He offered -
21	do? Did they ever take that prototype out	21	something to the effect that we could cut it with
22	anywhere?	22	a saw.
23	A. No.	23	Q. That was his sole contribution, cut
24	Q. Tested merely inside.	24	it with a saw?
	35		37
l 1	A. Yes.	۱,	A. Yes. He said to pursue those ideas,
2	Q Now, who, to your understanding,	2	those lines. To cut it with a saw.
3	first had the concept for this device? Did you?	3	Q. And that was his statement to you
4	A. Yes. Well, myself and Mr. Gubb	4	in, what, mid '97?
5	Q. And	5	A. Actually, we started a long time
6	A talked about it.	6	before that with the chain saws.
7	Q. And when did you and Mr. Gubb	7	Q. That's the way you did it until
8	conceive of this device?	8	sometime in 1998 or 1999. Correct?
9	 A. Just before midpart of '97. 	9	A. Well, we still have.
10	Q. And where are the initial drawings	10	Q. You still you still use chain
	of it?		•
11	Of it:	11	saws?
12	A. We didn't have any drawings. We	11 12	_
12 13	A. We didn't have any drawings. We just fabricated and were experimenting with	12 13	saws? A. Oh, yes. Q. What percentage of the rolls
12 13 14	A. We didn't have any drawings. We just fabricated and were experimenting with different things.	12	saws? A. Oh, yes. Q. What percentage of the rolls processed in your plant are done with chain saws?
12 13 14 15	A. We didn't have any drawings. We just fabricated and were experimenting with different things. Q. When, specifically, did you first	12 13 14 15	saws? A. Oh, yes. Q. What percentage of the rolls
12 13 14 15 16	A. We didn't have any drawings. We just fabricated and were experimenting with different things. Q. When, specifically, did you first present a prototype?	12 13 14	saws? A. Oh, yes. Q. What percentage of the rolls processed in your plant are done with chain saws?
12 13 14 15 16 17	A. We didn't have any drawings. We just fabricated and were experimenting with different things. Q. When, specifically, did you first present a prototype? Complete a prototype? A. Probably on towards the midpart of	12 13 14 15	saws? A. Oh, yes. Q. What percentage of the rolls processed in your plant are done with chain saws? A. I have no idea. I can't answer that
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1	Q. Journeyman?	1	A. No.
2	A. Master.	2	Q. Where was he at the time?
3	Q. And what's his name?	3	A. I don't remember.
4	A. Bret, B-R-E-T, Gullifer.	4	Q. Did he tell you that he learned
5	G-U-L-L-I-F-E-R.	5	about it because the company, Norkol/Fibercore,
6	Q. Bret?	6	had offered its roll cutter services to him?
7	A. Yes.	7	A. He didn't say.
8	Q. Gullifer?	8	Q. Have you at any time identified
9	A. Right.	9	yourself to anybody as Mr. Gubb?
10	Q. Now, of this first prototype, were	10	A. No.
11	there any photographs taken?	11	Q. When you took the photographs in
12	A. Yes, there was.	12	April, did you introduce yourself?
13	Q. Where are they presently?	13	A. As just someone from the L&P
14	A. I'm sorry, you're talking about	14	Converters.
15	Q. Your first prototype in mid '98.	15	Q. You didn't give them your name?
16	A. — the chain saw —	16	A. I probably gave them my name. I'm
17	No, there were no photographs taken.	17	not sure.
18	Q. Okay, now, did this device utilize	18	Q. What did you tell your purpose was?
19	chain saws?	19	A. Just to view the saw.
20	A. No.	20	Q. View the saw?
21	Q. What type of saws did that use?	21	A. Mm-hmm.
22	A. We tried it with an air motor, with	22	Q. Did you express interest in
23	a circular knife blade.	23	utilizing the company's services?
24	Q. What do you mean, a circular knife	24	A. No. He just asked me to go down and
	39	,	41
l	blade?	1	view the saw.
2	A. It's called a slitter blade.	2	Q. Who is "he"?
3	Q. Was there ever a physical	3	A. Mr. Gubb.
4	description drawn up of this device?	4	Q. Mr. Gubb. Okay.
5	A. No.	5	A. Mm-hmm.
6	Q. Were there drawings made?	6	Q. Now, when you got to that point
7	A. No.	7	A. Yes.
8	Q. No drawings made.	8	Q the individual - who how did
9	A. They kept changing them. No.	9	you get inside the building?
10	Q. Are any of the are there any	10	MR. HOLLAND: Objection as to form.
11	documents in existence relative to this device?		Q. (By Mr. Gorman) Was there any
12	A. No.	12	security there!
13	Q. So, as of the spring of '98, you	13	A. No. I went in the office and asked
14	were tinkering with certain ideas, but had no	14	for whoever - wherever they were cutting paper.
15	drawings, no final plan, no device designed.	15	Q. Did you identify yourself?
16	Correct?	16	A. Yes.
17	A. Correct.	17	Q. As whom?
18	Q. You didn't have any methodology	18	A. Andre Lavallee.
19	drawn out and drafted up, did you?	19	Q. And did you identify your company?
20	A. No.	20	A. Yes.
21	Q. And did Mr. Gubb tell you how he	21	Q. And your desire to be there?
22	learned about this saw?	22	A. Just to view the saw.
23	A. No, he did not.	23	Q. What time of day was it?
24	Q. And did he go with you on that trip?	24	A. I don't recall.

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2	Q. A.	About midday? I don't believe no, it wasn't	1	MR. HOLLAND: Sure. But you would
3		It was daytime.	2	return the originals within thirty days?
4	-	About midday?	3	MR. GORMAN: Sooner. I'll be glad
5	Q.	•	4	to provide you with not only the originals,
6		Oh, possibly. I don't know. I emember.	5	but two to three copies. With all the
7	Q.	Lunchtime, perhaps?	6 7	different counsel involved, just tell me
8	A.	I don't remember.	8	who to send them to.
9	Q.	Was the machine being operated when	9	Q. (By Mr. Gorman) What did Mr. Gubb say when you showed him these photographs?
10	you go		10	A. He said it was similar to ours.
11	, s = g = .		111	Q. Well, you didn't have a device
12	Q.	How long were you there?	12	planned or built at that time, did you?
13	À.	Half an hour.	13	A. Oh, we were working on one.
14	Q.	How many photographs did you take?	14	Q. But you had no plans, did you?
15	A.	Four.	15	A. No.
16	Q.	In a half hour, you only took four	16	Q. Did you check as to - was a patent
17	photogr	aphs?	17	search conducted at that time?
18	A.	That's all I had in the camera.	18	A. I don't believe so.
19	Q.	Did you identify yourself to the	19	Q. Did the did you ascertain whether
20	individ	ual operating the equipment?	20	or not did you strike that.
21	Α.	* * * * * * * * * * * * * * * * * * * *	21	Did you make an inspection of this
22	Q.	How did you introduce yourself?	22	equipment, closely?
23	A.	-,	23	A. No.
24	Q.	And did you deliver these to	24	Q. In what way was this similar to what
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		43		45
1	Mr. Gul	bb?	1	you were working on?
2	Α.	ob? I showed them to him, yes.	2	you were working on? MR. HOLLAND: Objection as to form.
2 3	A. Q.	ob? I showed them to him, yes. When did you show the photographs to	2	you were working on? MR. HOLLAND: Objection as to form. Please define "similar" or ask the witness.
2 3 4	A. Q. Mr. Gul	bb? I showed them to him, yes. When did you show the photographs to bb?	2 3 4	you were working on? MR. HOLLAND: Objection as to form. Please define "similar" or ask the witness. Q. (By Mr. Gorman) What components or
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. Mr. Gul A. Q. the orig A. Q. these? A. you Cold it. orig we'll copy	I showed them to him, yes. When did you show the photographs to ob? I don't remember exactly. These photographs here, are these inals? Yes. The original ones? Yep. Has there been any copies made of No. MR. HOLLAND: So on that what do want to do, for mechanics? MR. GORMAN: Color laser photos. or laser prints. Easiest things to do MR. HOLLAND: Can we keep the inals, and you'll make a copy? And	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	you were working on? MR. HOLLAND: Objection as to form. Please define "similar" or ask the witness. Q. (By Mr. Gorman) What components or methodologies of this machine in C1 were similar to what you and Mr. Gubb were working on? MR. HOLLAND: Same objection. A. Turntable and the post. Q. (By Mr. Gorman) Turntable and a post. A. Mm-hmm. Q. Okay. How about the lateral arm? A. There was an arm, yes. Q. Now, at that time, you were building one that you subsequently decided didn't work properly. Correct? A. Mm-hmm. Q. Is that a yes? A. Yes. Q. And did anybody have you ever seen any other photographs of this of this device? A. Of that? No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. Mr. Gul A. Q. the orig A. Q. these? A. you Cold it. orig we'll copy	I showed them to him, yes. When did you show the photographs to ob? I don't remember exactly. These photographs here, are these inais? Yes. The original ones? Yep. Has there been any copies made of No. MR. HOLLAND: So on that what do want to do, for mechanics? MR. GORMAN: Color laser photos. or laser prints. Easiest things to do MR. HOLLAND: Can we keep the inals, and you'll make a copy? And I make an agreement to substitute them? MR. GORMAN: Yeah. I want to get a of the backs, as to dates and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	you were working on? MR. HOLLAND: Objection as to form. Please define "similar" or ask the witness. Q. (By Mr. Gorman) What components or methodologies of this machine in C1 were similar to what you and Mr. Gubb were working on? MR. HOLLAND: Same objection. A. Turntable and the post. Q. (By Mr. Gorman) Turntable and a post. A. Mm-hmm. Q. Okay. How about the lateral arm? A. There was an arm, yes. Q. Now, at that time, you were building one that you subsequently decided didn't work properly. Correct? A. Mm-hmm. Q. Is that a yes? A. Yes. Q. And did anybody have you ever seen any other photographs of this of this device?

	62		64
1	A. He did.	1	Q. And there was — until you got into
2	Q. And when did he tell you that?	2	the development of the 60 machine, did you have
3	A. I don't remember.	3	any drawings? Is that correct?
4	Q. Well, was it in the last six months?	4	A. No drawings, no.
5	A. I don't remember.	5	Q. None.
6	Q. Was it in the past year?	6 7	A. No.
8	A. I would say so, but I'm not sure.	l .	Q. So, in other words, correct, until
9	I'm just —	8	you got into that — so the first, even,
10	Q. Okay. Was it before you took these photographs, Exhibit C?	10	conversations of using saws, without any
11	A. No.	11	discussion of a device or a methodology, was in mid '97. Correct?
12	Q. Was it before the photographs were	12	A. No. Because we built chain saws
13	taken for the brochure?	13	prior te that.
14	A. I don't know.	14	Q. Well, okay. Chain saws. But what
15	Q. Did you assign the concept to	15	do you mean chain saws you built. What do you
16	Mr. Gubb in writing?	16	mean? You built chain saws?
17	A. He gave me a paper from an attorney	17	A. We built chain saws to cut rolls of
18	to sign.	18	paper.
19	Q. And when did you sign it?	19	Q. Okay. And, now, that was that
20	A. I don't remember.	20	was on laying them horizontal
21	Q. You don't remember. Did you keep a	21	A. Horizontally, yeah.
22	copy of it?	22	Q and cutting down through them.
23	A. No.	23	Right?
24	Q. Okay. So you took something did	24	A. Yes.
1 2 3	you take it to an attorney to be reviewed? A. No.	1 2	Q. When's the first time you tried anything to cut paper rolls while they were in a
4	Q. He gave you something, told you to sign it, you signed it?	3	vertical?
5	A. Mm-hmm.	4 5	A. We started doing that in mid '97. Probably towards the end of '97. Mid to
6	Q. Is that yes?	6	three-quarters of the way through '97.
7	A. Yes.	7	Q. This is where you first started
8	Q. You didn't keep a copy of it.	8	getting the concept?
9	A. No.	9	A. Yes.
10	Q. Did he pay you?	10	Q. Okay. And there are no diaries or
11	A. No.	11	anything else
12	MR. HOLLAND: Good time for a break?	12	A. No. We just -
13	MR. GORMAN: Sure. Why not.	13	Q evidencing dates or anything
14	•	14	else. Correct?
15	(A recess was taken)	15	A. Nope.
16	•	16	Q. And the concepts that you had did
17	MR. GORMAN: Let me just clarify,	17	not work. Correct?
18	regroup here a second.	18	A. Did not work the way we wanted them
19	Q. (By Mr. Gorman) You and Mr. Gubb	19	to, no.
20	first had conversations about this concept, where	20	Q. Okay. Now, you then started working
21	he said, you know, "Use a saw." Now, at that	21	on a different design?
22	time, there was no concept, no method. He just	22	A. Mm-hmm.
23 24	says, "Well, maybe we can use a saw." Correct? A. Correct.	23 24	Q. And that was early '98. A. Yeah. At the end of '97, early '98.

		1	
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1	Q- And that evolved into the 60-inch	1	A. Not at that time.
2	A. Yes.	2	O. Was he a licensed electrical
3	Q turntable:	3	contractor at that time?
4	A. Yes.	4	A. Yes.
5	Q. Now, did the one that you were	5	Q. And what information was given to
6	working on before have a turntable?	6	him? And when was he first retained on this
7	A. Yes.	7	project?
8	Q. Did it have a post?	8	A. Mid '97. And we just told him what
9	A. Yes.	9	we were trying to do.
10	Q. And the okay. Now, did you share	10	Q. What did you tell him?
11	your ideas with anybody but Mr. Gubb?	111	A. That we were trying to build
12	A. Well, basically, every one in the	12	something to cut rolls of paper.
13	plant. But Mr. Gubb and myself are the ones that	13	Q. Did you tell him anything more?
14	conferred on it, mostly,	14	A. Basically, no.
15	Q. Oh, okay. So you had - this was	15	Q. Did he submit invoices for his work?
16	being spread among how many people worked in	16	A. I don't recall. I don't know.
17	the plant at that time?	17	Q. Did was he paid for his work at
18	A. Well, there's fifty people that	18	any point in time?
19	worked there.	19	A. I would guess that he was. I'm just
20	Q. And everybody knew about what was	20	guessing.
21	going on?	21	Q. Who would approve those?
22	A. Well, yeah. The shop's right out in	22	A. The office.
23	the open.	23	Q. Who in the office?
24	Q. Okay. Now, did you have discussions	24	A. Margaret DiSantis.
1			
1	67		69
2	about what you were attempting to do A. No.	1	Q. What's her position?
3		2	A. The office manager.
4	Q with Alex Infantino? A. Not at that time.	3	Q. And how was she provided with
5		4	information, to know whether the work was
6	Q. Okay. Now, did you talk to anybody	5	performed or not?
7	outside the company? A. Just my electrician.	6	A. She must have got an invoice from
8		7	them. I don't know. I don't get involved with
9	Q. Okay. Now, he's not an employee then, the electrician?	8	that.
10	A. No. He's on call.	10	Q. Okay. Would she have had a
11	Q. So he's an electrical contractor in	1 11	responsibility to ascertain if the services had
12	the area?		actually been performed and the payment was due? A. Not as a rule.
13	A. Yeah. But he works for someone	13	
14	else.	14	Q. Okay. Would it have been required
15	Q. Who does he work for?	15	to be approved by Martin Gubb? A. I believe so.
16	A. A company called LeBlanc,	16	O. Who laid out the brochure?
17	L-E-B-L-A-N-C, Electric.	17	A. I'm not sure.
18	Q. Okay. So Bret works as an employee	18	Q. Did you lay it out?
19	of LeBlanc Electric.	19	A. No.
20	A. Yes.	20	11 11 12 12
21	Q. Is he a licensed electrical	21	Q. Did you have any involvement in it, other than taking the photographs?
22	contractor?	22	A. No.
23	A. Yes.	23	Q. Okay, now, after the prototype was
24	Q. Is he an owner in LeBlanc Electric?	24	scrapped and you started on the next machine
		- '	
		i	

A. Yes. Q. — when was that m A. Early part of '98. Q. How long did it tal A. Three, maybe four Q. Okay. So when yo B, when in — what month i mpleted? A. I'm not sure. Q. Was it completed tootographs were taken, Exi A. No. Q. As of the time these taken by you, what was mpletion or status of the s A. I may correct that, it. We changed the hydrive the saw blade. Q. Why is that? A. We were using an of	months. ou say early part of in '98 was it before these hibit C? the photographs is the percentage of iaw number 1? The saw was	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. tell you A. Q. A. Q. told it w	Of competitors? MR. HOLLAND: Objection as to form. Of machinery for sale. (By Mr. Gorman) Well, did anyone that this saw was for sale? No. Exhibit C? No. Did he tell you that he had been was for sale? No. He didn't confide in me, no. Has he sent you out to photograph be makers? No.
Q when was that m A. Early part of '98. Q. How long did it tal A. Three, maybe four Q. Okay. So when yo B, when in what month i mpleted? A. I'm not sure. Q. Was it completed b otographs were taken, Exi A. No. Q. As of the time these are taken by you, what was mpletion or status of the s A. I may correct that, it. We changed the hydrive the saw blade. Q. Why is that?	ke to build it? months. bu say early part of in '98 was it before these hibit C? be photographs as the percentage of iaw number 1? The saw was	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. tell you A. Q. told it w A. Q. envelop A.	MR. HOLLAND: Objection as to form. Of machinery for sale. (By Mr. Gorman) Well, did anyone that this saw was for sale? No. Exhibit C? No. Did he tell you that he had been was for sale? No. He didn't confide in me, no. Has he sent you out to photograph be makers?
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mpleted? A. I'm not sure. Q. Was it completed by otographs were taken, Eximal. A. No. Q. As of the time these taken by you, what was mpletion or status of the s. A. I may correct that. it. We changed the hydrice the saw blade. Q. Why is that?	before these hibit C? be photographs s the percentage of aw number 1? The saw was	8 9 10 11 12 13 14 15	A. Q. told it w A. Q. envelop A.	No. Did he tell you that he had been vas for sale? No. He didn't confide in me, no. Has he sent you out to photograph be makers?
A. I'm not sure. Q. Was it completed by otographs were taken, Exim. A. No. Q. As of the time these taken by you, what was impletion or status of the s. A. I may correct that, lit. We changed the hydrive the saw blade. Q. Why is that?	hibit C? se photographs s the percentage of saw number 1? The saw was	9 10 11 12 13 14 15	Q. told it w A. Q. envelop A.	Did he tell you that he had been was for sale? No. He didn't confide in me, no. Has he sent you out to photograph be makers?
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A. No. Q. As of the time these testen by you, what was impletion or status of the s. A. I may correct that, it. We changed the hydrive the saw blade. Q. Why is that?	hibit C? se photographs s the percentage of saw number 1? The saw was	11 12 13 14 15	A. Q. envelop A.	No. He didn't confide in me, no. Has he sent you out to photograph be makers?
A. No. Q. As of the time these tere taken by you, what was impletion or status of the s. A. I may correct that, lit. We changed the hydrive the saw blade. Q. Why is that?	te photographs s the percentage of aw number 1? The saw was	12 13 14 15	Q. envelop A.	Has he sent you out to photograph be makers?
Q. As of the time these tre taken by you, what was impletion or status of the s. A. I may correct that, lit. We changed the hydrive the saw blade. Q. Why is that?	s the percentage of law number 1? The saw was	13 14 15	envelop A.	e makers?
ere taken by you, what was impletion or status of the s A. I may correct that, it. We changed the hydrive the saw blade. Q. Why is that?	s the percentage of law number 1? The saw was	14 15	A.	
mpletion or status of the s A. I may correct that. ilt. We changed the hydrive the saw blade. Q. Why is that?	aw number 1? The saw was	15		1100
A. I may correct that. ilt. We changed the hydrive the saw blade. Q. Why is that?	The saw was		A.	What types of equipment has he sent
ilt. We changed the hydrive the saw blade. Q. Why is that?			VOU OUR	to photograph besides this saw?
ive the saw blade. Q. Why is that?	,		700 00. A.	Converting machinery.
•		18	Q.	What type of converting machinery!
•		19	Ă.	
	electric motor with	20	Q.	Produced by competitors?
earbox.		21	A.	No. Paper — the machines that we
Q. Why did you chang	ge it to hydraulic?	22		he plant.
A. Because it seemed	-	23	Q.	And how many times has he sent you
en we saw this saw.		24	•	hotograph somebody else's equipment tha
	71			7
Q. In other words, you	decided that	1 1		ot looking at to purchase, where you've
s saw was a better saw.		2 3		d more than a hundred miles each way?
A. I said the motor wa	-	1 -	A .	Don't recall.
Q. Now, do you custon ndred miles each way for y	- ·	4 5	Q. A.	More than once? I don't recall. I don't know if I
ngany?	our ousiness, for the	6		d or not. I'm not sure.
A. Rephrase that.		7		
Q. Well, as a part of yo	ur normal	8	Q.	Now, you traveled that day more than
		1 -		ndred miles. Did you seek reimbursemer
•	a mines a day.		-	No. It was one — I was on the
	undred miles a		4.	
	permente illies &		• •	Pardon?
			`	f was on the payroll.
	ht there at the			
	in mere active		-	Well, how are you compensated? Are ary? Hourly?
-				ary: Hourly: Hourly.
	nu time cince	l l		
•	•	- 1	-	And you weren't reimbursed for
	•			No.
	-	l l	_	You take your car or the company
		1	-	rou take your car or the company
		1		Company car.
	and distance of contra	1	_	Is there a log kept on the company
•		1	car?	to stiere a tog kelpt ou ute combany
	ities, do you drive a hundre A. No. Q. Do you drive two he ?? A. No. Q. You're normally rig int, aren't you? A. Most times. Q. Has Mr. Gubb, at ar it you out to do any other i MR. HOLLAND: O A. To do surveillance? Q. (By Mr. Gorman) S ind you out to do take pho- inpriment around?	A. No. Q. Do you drive two hundred miles a day? A. No. Q. Do you drive two hundred miles a /? A. No. Q. You're normally right there at the int, aren't you? A. Most times. Q. Has Mr. Gubb, at any time since, it you out to do any other photo surveillance? MR. HOLLAND: Objection as to form. A. To do surveillance? Q. (By Mr. Gorman) Sure. Mr. Gubb and you out to do take photographs of other imprent around?	A. No. Q. Do you drive two hundred miles a day? A. No. 10 Q. Do you drive two hundred miles a 11 12 A. No. Q. You're normally right there at the 13 Q. You're normally right there at the 14 15 A. Most times. Q. Has Mr. Gubb, at any time since, 17 18 19 19 10 10 11 12 13 14 15 16 17 17 18 19 19 10 10 10 10 10 10 10 10	ities, do you drive a hundred miles a day? A. No. Q. Do you drive two hundred miles a 11 payroll 12 Q. A. No. 13 A. Q. You're normally right there at the Int, aren't you? A. Most times. Q. Has Mr. Gubb, at any time since, It you out to do any other photo surveillance? MR. HOLLAND: Objection as to form. A. To do surveillance? Q. (By Mr. Gorman) Sure. Mr. Gubb Ind you out to do take photographs of other Interpretation of the control of

	74		76
l	A. No.		A. You have some in there.
2	Q. Do you always have the company car?	2	Q. Okay. I'm assuming that would be E
3	A. Not on my - not at my disposal.	3	or F?
4	Just at the plant.	4	A. I den't know.
5	Q. What was the company car at that	5	Q. Let's take Composite E.
6	time?	ó	A. Mm-hmm. Yep.
7	A. It was a pickup truck.	7	Q. Tell us what those are, please.
8	Q. And Mr. Gubb, was he in	8	A. That's a turntable.
9	Massachusetts at the time you were sent down	9	Q. Well, that's the top drawing.
10	there?	10	That's the turntable.
11	A. I don't recall.	111	A. Yesh.
12	Q. Well, when you showed him the	12	Q. What who prepared these drawings?
13	photographs, was he in Massachusetts?	13	A. I sketched some out, and he
14	A. Yes.	14	formalized them. The other ones I just drew
15	Q. And how long after they were taken	15	myself.
16	was that?	16	Q. Right. Well, going through
17	A. I don't recall.	17	Composite Exhibit E, which of those did you draw?
18	Q. How often does Mr. Gubb come to	19	A. I sketched this out and gave him an idea, and he completed it and refined it.
19	Massachusetts?	20	Q. Well, where is your original
20 21	A. At the moment, about every five or	21	sketches?
21		22	A. I don't have an original sketch for
23	Q. How about during 1998? A. I don't recall.	23	that part of it.
24		24	Q. But that part of it being the first
24	Q. Would it be a fair statement that		Q. But that part of it being the this
	75		77
1	you don't recall when the first machine was	1	page of Composite E?
2	completed?	1 -	
4		1 2	A. Yes.
•	•	_	
.) .4	A. To the exact date?	3 4	Q. Why don't you have a sketch of it?
	•	3 4	Q. Why don't you have a sketch of it?
4	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was	3 4 5	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know.
4	A. To the exact date? Q. Okay, are there any documents that	3 4	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that?
4 5 6 7	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No.	3 4 5 6 7	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did.
4	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would	3 4 5 6	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that?
4 5 6 7 8 9	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were	3 4 5 6 7 8 9	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch?
4 5 6 7 8 9	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed?	3 4 5 6 7 8	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure.
4 5 6 7 8 9 10	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form.	3 4 5 6 7 8 9 10	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch?
4 5 6 7 8 9 10 11	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form. A. Not really as the complete units,	3 4 5 6 7 8 9 10 11 12	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch? A. I can tell you, it's not in the
4 5 6 7 8 9 10 11 12	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form. A. Not really as the complete units, no.	3 4 5 6 7 8 9 10 11 12 13	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch? A. I can tell you, it's not in the folder.
3 6 7 8 9 10 11 12 13	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form. A. Not really as the complete units, no. Q. (By Mr. Gorman) Did you at any time	3 4 5 6 7 8 9 10 11 12 13	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch? A. I can tell you, it's not in the folder. Q. What folder is that?
8 9 10 11 12 13 14	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form. A. Not really as the complete units, no. Q. (By Mr. Gorman) Did you at any time provide, by fax, drawings to Alex Infantino?	3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch? A. I can tell you, it's not in the folder. Q. What folder is that? A. The folder where all of this was.
4 5 6 7 8 9 10 11 12 13 14 15	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form. A. Not really as the complete units, no. Q. (By Mr. Gorman) Did you at any time provide, by fax, drawings to Alex Infantino? A. Yes.	3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch? A. I can tell you, it's not in the folder. Q. What folder is that? A. The folder where all of this was. Q. When did you last see the original
4 5 6 7 8 9 10 11 12 13 14 15 16	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form. A. Not really as the complete units, no. Q. (By Mr. Gorman) Did you at any time provide, by fax, drawings to Alex Infantino? A. Yes. Q. When was that?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch? A. I can tell you, it's not in the folder. Q. What folder is that? A. The folder where all of this was. Q. When did you last see the original sketch?
8 9 10 11 12 13 14 15 16 17 18	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form. A. Not really as the complete units, no. Q. (By Mr. Gorman) Did you at any time provide, by fax, drawings to Alex Infantino? A. Yes. Q. When was that? A. At various times. He continually	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch? A. I can tell you, it's not in the folder. Q. What folder is that? A. The folder where all of this was. Q. When did you last see the original sketch? A. I don't know.
8 9 10 11 12 13 14 15 16 17 18	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form. A. Not really as the complete units, no. Q. (By Mr. Gorman) Did you at any time provide, by fax, drawings to Alex Infantino? A. Yes. Q. When was that? A. At various times. He continually makes parts for me.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch? A. I can tell you, it's not in the folder. Q. What folder is that? A. The folder where all of this was. Q. When did you last see the original sketch? A. I don't know. Q. Was that original sketch dated?
3 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form. A. Not really as the complete units, no. Q. (By Mr. Gorman) Did you at any time provide, by fax, drawings to Alex Infantino? A. Yes. Q. When was that? A. At various times. He continually makes parts for me. Q. When did you first forward to him	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch? A. I can tell you, it's not in the folder. Q. What folder is that? A. The folder where all of this was. Q. When did you last see the original sketch? A. I don't know. Q. Was that original sketch dated? A. No.
3 6 7 8 9 10 11 112 13 14 15 16 17 18 19 20 21	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form. A. Not really as the complete units, no. Q. (By Mr. Gorman) Did you at any time provide, by fax, drawings to Alex Infantino? A. Yes. Q. When was that? A. At various times. He continually makes parts for me. Q. When did you first forward to him any drawings for parts for these Precision paper	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch? A. I can tell you, it's not in the folder. Q. What folder is that? A. The folder where all of this was. Q. When did you last see the original sketch? A. I don't know. Q. Was that original sketch dated? A. No. Q. Were any of the drawings dated?
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form. A. Not really as the complete units, no. Q. (By Mr. Gorman) Did you at any time provide, by fax, drawings to Alex Infantino? A. Yes. Q. When was that? A. At various times. He continually makes parts for me. Q. When did you first forward to him any drawings for parts for these Precision paper saws?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch? A. I can tell you, it's not in the folder. Q. What folder is that? A. The folder where all of this was. Q. When did you last see the original sketch? A. I don't know. Q. Was that original sketch dated? A. No. Q. Were any of the drawings dated? A. None of mine were dated.
8 9 10 11 12 13 14	A. To the exact date? Q. Okay, are there any documents that would evidence when that first machine was completed? A. No. Q. Are there any documents that would indicate when any of the other machines were completed? MR. HOLLAND: Objection as to form. A. Not really as the complete units, no. Q. (By Mr. Gorman) Did you at any time provide, by fax, drawings to Alex Infantino? A. Yes. Q. When was that? A. At various times. He continually makes parts for me. Q. When did you first forward to him any drawings for parts for these Precision paper	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Why don't you have a sketch of it? A. I really can't answer that. I don't know. Q. Did you have a sketch of that? A. Yes, I did. Q. And what did you do with that sketch? A. I'm not sure. Q. Have you looked for that sketch? A. I can tell you, it's not in the folder. Q. What folder is that? A. The folder where all of this was. Q. When did you last see the original sketch? A. I don't know. Q. Was that original sketch dated? A. No. Q. Were any of the drawings dated?

<u> </u>			
	158		160
1	documents and information that he sent out?	1	* Q. Office. Okay. Well, can you
2	A. No.	2	explain to us why you, as maintenance, would be
3	MR. GORMAN: Number 18.	3	the one they'd ship materials for, as a part of a
4		4	promotional campaign to sell an expensive piece
5	(Exhibit 18, 8/25/00 letter,	5	of equipment?
6	Clemmons to [redacted], marked)	6	A. Rephrase that, please?
7 8	(Fability to tomping)	7	MR. GORMAN: Read it back, please.
9	(Exhibit 19, 10/27/00 letter,	8	
10	Clemmons to [redacted], with attached quote, marked)	9	* (Record was read back)
11	quote, marked)	10	
12	Q. (By Mr. Gorman) Let me show you	111	A. I don't know what you mean by
13	Q. (By Mr. Gorman) Let me show you Exhibit No. 18 and ask you if you've seen that	12	shipping material.
14	before.	13	Q. (By Mr. Gorman) Well, it says here,
15		14	"Ship the roll to L&P Converters, Route 12,
16	paper, no.	15	number 1800, in care of Mr. Andy Lavallee." You
17	the many and answers to at the FOEI	16	weren't in receiving, were you?
18	Converters plant, on Route 679, on a day-to-day basis?	17	A. No.
19	A. Who did I answer to?	18	Q. You weren't in production, were you?
20	O. Yeah.	19	A. No.
21	A. No one except Mr. Gubb.	21	Q. Did you wear the
22	Q. So you, basically, were the senior	22	A. Why they did that I don't know.
23	person there?	23	Q. Did you wear the jacket and tie for
24	A. No. in maintenance, yes. Everybody	24	me today? A. Of course I did.
	Every body	24	A. Of course I dig.
	159		161
1	has their own job.	1	Q. You did. I'm impressed. Is that
2	Q. Well, why would maintenance be the	2	how you dress for work every day?
3	ones what other departments were there?	3	A. No.
4	A. There's production. And there was	4	Q. Is that how you went to the office?
5	traffic.	5	Did you go to work earlier today?
6	Q. Yep.	6	A. I dress informally.
7	A. Shipping and receiving.	7	Q. Did you go to work earlier today?
8	Q. Okay. What's the difference between	8	A. No. I'm on vacation.
9	traffic and shipping and receiving? Or are you	9	Q. Oh. I'm sorry to pull you from your
10	using them interchangeably?	10	vacation. I apologize for that, you know.
11	A. Well, we have a ship — we have a	11	A. Accepted.
12	traffic manager and people who do strictly	12	Q. Did rolls come in, under this
13	shipping and receiving in the warehouse.	13	program?
14	Q. Okay. I'm not sure I understand,	14	A. We may have gotten a couple of
15	but what duties would the traffic manager have	15	different rolls. I'm - you know, that I can
16	that would not be related to shipping and	16	remember. I don't remember who it was for or -
17	receiving?	17	Q. And there were they came to
18	A. Well, actually, none. But there are	18	you they dropped them by your office, or what?
9	people who work in the shipping and the receiving	19	A. Oh. no. I was just told that they
20	end, in the warehouse, that don't have anything	20	were there.
21	to do with the traffic.	21	Q. What did you do?
22	Q. Okay. Now, so we've got maybe four	22	A. I arranged to make sure the operator
:3	departments. Are there more than that?	23	knew what he had to do with the roll.
4	A. Oh, the office.	24	Q. In other words, production.
		_	

			
	. 162	İ	
1			164
2	A. Mmm.		MR. GORMAN: Well, I mean, that's
3	Q You gave instructions to production?	2	you know, it would probably make this case
4	A. Yes.	3	a lot easier.
5	Q. Who is the production manager?	4	Q. (By Mr. Gorman) In the time that
6	A. Right now it's Milton Soto. Q. Who was then, in	5	you've been utilizing the Precision paper saws at
7	A. Marcial Alicea.	6	L&P, have there been any injuries?
8		7	A. No.
9	Q. He's one of the operators. He's also production manager?	8	Q. Who would have records as to the
10		9	strike that.
111	A. No. The operator? Q. Wait a second. Marcello Alicea.	10	Who, if anyone, would have records
12	That's one of your	11	as to the actual usage of the three different
13	A. No. Senior.	12	saws?
14	Q. So you got two Marcellos?	13	A. I'm not sure who has the records.
15	A. Marcial Alicea, Jr., worked for me.	14	Q. But the production manager is
16	Marcial Alicea, Sr., was a production manager.	15	Marcial Alicea, Sr.
17	Q. Okay. And why isn't it that that	17	A. At — no, now it's Milton Soto.
. 18	was directed to Marcello Alicea, Sr.?	18	Q. Did Marcial leave the company? Senior?
10	A. I have no idea. I don't know.	19	A. Yes, He retired.
20	Q. Well, when did you first become	20	
21	aware that these were going out like that?	21	Q. He retired, okay. When did he retire?
22	A. I can't say that I ever really saw	22	A. About a year, year and a haif ago,
23	that. But -	23	somewheres around there.
24	Q. Well	24	The name that you were looking for
			and name that you were tooking for
	163		165
1	A. I didn't pay any attention to it.	1	before, that Jose is Colinzo [phonetic].
2	Somebody told me about a roll of paper; I just	2	Q. Yazo, Y-A-Z-O?
j.	passed it on.	3	A. No. Coliazo. C-O-L-1-Z-1
4	Q. Number 19, had you seen that	4	Q. 1-Z-O?
5	previously ⁹	5	A. C-O-L-I - I'm not sure if it's an
6	A. No. I can't say that I've seen	6	S-O or a Z-O. I'm not sure.
-	this, either.	7	Q. Colizo?
8	Q. To your knowledge, does L&P	8	A. I'm sorry. L-I-A-Z-O, probably.
9	Converters have product liability insurance?	9	Q. During the time of the deposition
10	A. I believe they have, yes.	10	here this afternoon, Mr. Lavallee
- 11	Q. Do you have any involvement in	111	
			A. Mm-hmm.
12	arranging that?	12	Q have you recovered any
12 13	arranging that? A. No.	12 13	
12 13 14	arranging that? A. No. Q. Do you have any information as to	12 13 14	Q have you recovered any recollection of any communications with the gentleman sitting to my left?
12 13 14 15	arranging that? A. No. Q. Do you have any information as to the limits of coverage?	12 13 14 15	Q have you recovered any recollection of any communications with the gentleman sitting to my left? A. Yes. Now I
12 13 14 15	arranging that? A. No. Q. Do you have any information as to the limits of coverage? A. No.	12 13 14 15 16	Q have you recovered any recollection of any communications with the gentleman sitting to my left? A. Yes. Now I Q. What do you remember about the
12 13 14 15 16 17	arranging that? A. No. Q. Do you have any information as to the limits of coverage? A. No. Q. Do you know whether or not that	12 13 14 15 16 17	Q have you recovered any recollection of any communications with the gentleman sitting to my left? A. Yes. Now I Q. What do you remember about the gentleman sitting to my left?
12 13 14 15 16 17	arranging that? A. No. Q. Do you have any information as to the limits of coverage? A. No. Q. Do you know whether or not that insurance provides any coverages for defense of	12 13 14 15 16	Q have you recovered any recollection of any communications with the gentleman sitting to my left? A. Yes. Now I Q. What do you remember about the gentleman sitting to my left? A. I just remember that he we had a
12 13 14 15 16 17 18	arranging that? A. No. Q. Do you have any information as to the limits of coverage? A. No. Q. Do you know whether or not that insurance provides any coverages for defense of patent infringement?	12 13 14 15 16 17 18	Q have you recovered any recollection of any communications with the gentleman sitting to my left? A. Yes. Now I Q. What do you remember about the gentleman sitting to my left? A. I just remember that he we had a demonstration for him.
12 13 14 15 16 17 18 19 20	arranging that? A. No. Q. Do you have any information as to the limits of coverage? A. No. Q. Do you know whether or not that insurance provides any coverages for defense of patent infringement? A. I don't know.	12 13 14 15 16 17 18 19 20	Q have you recovered any recollection of any communications with the gentleman sitting to my left? A. Yes. Now I Q. What do you remember about the gentleman sitting to my left? A. I just remember that he we had a
12 13 14 15 16 17 18 19 20 21	arranging that? A. No. Q. Do you have any information as to the limits of coverage? A. No. Q. Do you know whether or not that insurance provides any coverages for defense of patent infringement? A. I don't know. MR. GORMAN: (Indicating)	12 13 14 15 16 17 18 19 20 21	Q. — have you recovered any recollection of any communications with the gentleman sitting to my left? A. Yes. Now I — Q. What do you remember about the gentleman sitting to my left? A. I just remember that he — we had a demonstration for him. Q. Do you recall when that demonstration was done?
12 13 14 15 16 17 18 19 20 21 22	arranging that? A. No. Q. Do you have any information as to the limits of coverage? A. No. Q. Do you know whether or not that insurance provides any coverages for defense of patent infringement? A. I don't know. MR. GORMAN: (Indicating) MR. HOLLAND: I appreciate the	12 13 14 15 16 17 18 19 20 21 22	Q. — have you recovered any recollection of any communications with the gentleman sitting to my left? A. Yes. Now I — Q. What do you remember about the gentleman sitting to my left? A. I just remember that he — we had a demonstration for him. Q. Do you recall when that demonstration was done? A. No, I don't remember.
12 13 14 15 16 17 18 19 20 21 22 23	arranging that? A. No. Q. Do you have any information as to the limits of coverage? A. No. Q. Do you know whether or not that insurance provides any coverages for defense of patent infringement? A. I don't know. MR. GORMAN: (Indicating) MR. HOLLAND: I appreciate the compliment. But, no, I don't I'm not	12 13 14 15 16 17 18 19 20 21 22 23	Q have you recovered any recollection of any communications with the gentleman sitting to my left? A. Yes. Now I Q. What do you remember about the gentleman sitting to my left? A. I just remember that he we had a demonstration for him. Q. Do you recall when that demonstration was done? A. No, I don't remember. Q. Do you recall whether he was
12 13 14 15 16 17 18 19 20 21 22	arranging that? A. No. Q. Do you have any information as to the limits of coverage? A. No. Q. Do you know whether or not that insurance provides any coverages for defense of patent infringement? A. I don't know. MR. GORMAN: (Indicating) MR. HOLLAND: I appreciate the	12 13 14 15 16 17 18 19 20 21 22	Q. — have you recovered any recollection of any communications with the gentleman sitting to my left? A. Yes. Now I — Q. What do you remember about the gentleman sitting to my left? A. I just remember that he — we had a demonstration for him. Q. Do you recall when that demonstration was done? A. No, I don't remember.
12 13 14 15 16 17 18 19 20 21 22 23	arranging that? A. No. Q. Do you have any information as to the limits of coverage? A. No. Q. Do you know whether or not that insurance provides any coverages for defense of patent infringement? A. I don't know. MR. GORMAN: (Indicating) MR. HOLLAND: I appreciate the compliment. But, no, I don't I'm not	12 13 14 15 16 17 18 19 20 21 22 23	Q have you recovered any recollection of any communications with the gentleman sitting to my left? A. Yes. Now I Q. What do you remember about the gentleman sitting to my left? A. I just remember that he we had a demonstration for him. Q. Do you recall when that demonstration was done? A. No, I don't remember. Q. Do you recall whether he was

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KEYCITE

PAI-Site Corp. v. VSI Intern., Inc., 174 F.3d 1308, 50 U.S.P.Q.2d 1161 (Fed.Cir., Mar 30, 1999) (NO. 97-1593, 98-1008)

History Direct History

- H HANGER FOR DISPLAYING EYEGLASSES, US PAT 4976532, 1990 WL 915120 (U.S. PTO Utility Dec 11, 1990) (NO. 278546)

 Ruled Valid and Infringed by
- 2 Al-Site Corp. v. VSI Intern., Inc., 174 F.3d 1308, 50 U.S.P.Q.2d 1161 (Fed.Cir. Mar 30, 1999) (NO. 97-1593, 98-1008), rehearing denied, in banc suggestion declined (May 25, 1999) (BNA Version)

On Remand to

- Al-Site Corp. v. VSI Intern., Inc., 144 F.Supp.2d 1322, 53 U.S.P.Q.2d 1158 (S.D.Fla. Aug 31, 1999) (NO. 91847CIVHIGHSMITH, 922016CIVHIGHSMITH, 941920CIVHIGHSMITH), reconsideration denied (Oct 21, 1999) (BNA Version)

 Mandamus Denied by
- H 4 In re Al-Site Corp., 230 F.3d 1380 (Fed.Cir. Feb 01, 2000) (TABLE, TEXT IN WESTLAW, NO. 607)
- 5 HANGER FOR DISPLAYING EYEGLASSES, US PAT 5144345, 1992 WL 1102645 (U.S. PTO Utility Sep 01, 1992) (NO. 606179)

Ruled Valid and Infringed by

- 6 Al-Site Corp. v. Opti-Ray, Inc., 841 F.Supp. 1318, 28 U.S.P.Q.2d 1915 (E.D.N.Y. Aug 31, 1993) (NO. CV-92-4205) (BNA Version)
- 7 HANGER FOR DISPLAYING EYEGLASSES, US PAT 5144345, 1992 WL 1102645 (U.S. PTO Utility Sep 01, 1992) (NO. 606179)

 Construed by
- 8 Al-Site Corp. v. Bonneau Co., 1993 WL 616705, 30 U.S.P.Q.2d 1123 (C.D.Cal. Nov 23, 1993) (NO. CV 92-7533 DT (TX)) (BNA Version)

 AND Ruled Not Infringed by
- 9 Magnivision, Inc. v. Bonneau Co., 33 F.Supp.2d 1218 (C.D.Cal. Oct 13, 1998) (NO. CV 91-2167 DT TX, CV 92-7553 DT JGX, CV 97-8351 DT JGX)

 Affirmed in Part, Reversed in Part by
- Magnivision, Inc. v. Bonneau Co., 250 F.3d 758 (Fed.Cir. Jun 15, 2000) (TABLE, TEXT IN WESTLAW, NO. 99-1093, 99-1108, 99-1094, 99-1105), rehearing and rehearing en banc denied (Jul 24, 2000)
- HANGER FOR DISPLAYING EYEGLASSES, US PAT 5144345, 1992 WL 1102645 (U.S. PTO Utility Sep 01, 1992) (NO. 606179)

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Exhibit B

=> 12 Al-Site Corp. v. VSI Intern., Inc., 174 F.3d 1308, 50 U.S.P.Q.2d 1161 (Fed.Cir. Mar 30, 1999) (NO. 97-1593, 98-1008), rehearing denied, in banc suggestion declined (May 25, 1999) (BNA Version)

On Remand to

- Al-Site Corp. v. VSI Intern., Inc., 144 F.Supp.2d 1322, 53 U.S.P.Q.2d 1158 (S.D.Fla. Aug 31, 1999) (NO. 91847CIVHIGHSMITH, 922016CIVHIGHSMITH, 941920CIVHIGHSMITH), reconsideration denied (Oct 21, 1999) (BNA Version)

 Mandamus Denied by
- H 14 In re Al-Site Corp., 230 F.3d 1380 (Fed.Cir. Feb 01, 2000) (TABLE, TEXT IN WESTLAW, NO. 607)
- HANGER FOR DISPLAYING EYEGLASSES, US PAT 5144345, 1992 WL 1102645 (U.S. PTO Utility Sep 01, 1992) (NO. 606179)

 Ruled Valid and Infringed by
- H 16 Magnivision, Inc. v. Bonneau Co., 250 F.3d 758 (Fed.Cir. Jun 15, 2000) (TABLE, TEXT IN WESTLAW, NO. 99-1093, 99-1108, 99-1094, 99-1105), rehearing and rehearing en banc denied (Jul 24, 2000)
- H 17 HANGER FOR DISPLAYING EYEGLASSES, US PAT 5260726, 1993 WL 1206743 (U.S. PTO Utility Nov 09, 1993) (NO. 930815)

 Ruled Valid and Infringed by
- => 18 Al-Site Corp. v. VSI Intern., Inc., 174 F.3d 1308, 50 U.S.P.Q.2d 1161 (Fed.Cir. Mar 30, 1999) (NO. 97-1593, 98-1008), rehearing denied, in banc suggestion declined (May 25, 1999) (BNA Version)
- On Remand to

 19 Al-Site Corp. v. VSI Intern., Inc., 144 F.Supp.2d 1322, 53 U.S.P.Q.2d 1158 (S.D.Fla. Aug 31, 1999) (NO. 91847CIVHIGHSMITH, 922016CIVHIGHSMITH, 941920CIVHIGHSMITH), reconsideration denied (Oct 21, 1999) (BNA Version)

 Mandamus Denied by
- H 20 In re Al-Site Corp., 230 F.3d 1380 (Fed.Cir. Feb 01, 2000) (TABLE, TEXT IN WESTLAW, NO. 607)
- P 21 HANGER FOR DISPLAYING EYEGLASSES, US PAT 5521911, 1996 WL 1395993 (U.S. PTO Utility May 28, 1996) (NO. 365100)

 Ruled Not Infringed by
- Magnivision, Inc. v. Bonneau Co., 33 F.Supp.2d 1218 (C.D.Cal. Oct 13, 1998) (NO. CV 91-2167 DT TX, CV 92-7553 DT JGX, CV 97-8351 DT JGX)
- Affirmed in Part, Reversed in Part by

 23 Magnivision, Inc. v. Bonneau Co., 250 F.3d 758 (Fed.Cir. Jun 15, 2000) (TABLE, TEXT IN WESTLAW, NO. 99-1093, 99-1108, 99-1094, 99-1105), rehearing and rehearing en banc denied (Jul 24, 2000)
- P 24 HANGER FOR DISPLAYING EYEGLASSES, US PAT 5521911, 1996 WL 1395993 (U.S. PTO Utility May 28, 1996) (NO. 365100)

 Ruled Valid and Infringed by
- => 25 Al-Site Corp. v. VSI Intern., Inc., 174 F.3d 1308, 50 U.S.P.Q.2d 1161 (Fed.Cir. Mar 30, 1999) (NO. 97-1593, 98-1008), rehearing denied, in banc suggestion declined (May 25, 1999) (BNA Version)

On Remand to

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- H 26 Al-Site Corp. v. VSI Intern., Inc., 144 F.Supp.2d 1322, 53 U.S.P.Q.2d 1158 (S.D.Fla. Aug 31, 1999) (NO. 91847CIVHIGHSMITH, 922016CIVHIGHSMITH, 941920CIVHIGHSMITH), reconsideration denied (Oct 21, 1999) (BNA Version)

 Mandamus Denied by
- H 27 In re Al-Site Corp., 230 F.3d 1380 (Fed.Cir. Feb 01, 2000) (TABLE, TEXT IN WESTLAW, NO. 607)
- Page 1395993 (U.S. PTO Utility May 28, 1996) (NO. 365100)

 Ruled Not Infringed by
- Magnivision, Inc. v. Bonneau Co., 250 F.3d 758 (Fed.Cir. Jun 15, 2000) (TABLE, TEXT IN WESTLAW, NO. 99-1093, 99-1108, 99-1094, 99-1105), rehearing and rehearing en banc denied (Jul 24, 2000)
- 30 Al-Site Corp. v. VSI Intern., Inc., 1997 WL 579201, 42 U.S.P.Q.2d 1876 (S.D.Fla. Feb 06, 1997) (NO. 91-0847-CIV-ATKINS, 92-2016-CIV-ATKINS, 94-1920-CIV-ATKINS) (BNA Version)

 Judgment Affirmed in Part, Reversed in Part by
- 31 Al-Site Corp. v. VSI Intern., Inc., 174 F.3d 1308, 50 U.S.P.Q.2d 1161 (Fcd.Cir. Mar 30, 1999) (NO. 97-1593, 98-1008), rehearing denied, in banc suggestion declined (May 25, 1999) (BNA Version)

On Remand to

- H

 32 Al-Site Corp. v. VSI Intern., Inc., 144 F.Supp.2d 1322, 53 U.S.P.Q.2d 1158 (S.D.Fla. Aug 31, 1999) (NO. 91847CIVHIGHSMITH, 922016CIVHIGHSMITH, 941920CIVHIGHSMITH), reconsideration denied (Oct 21, 1999) (BNA Version)

 Mandamus Denied by
- H 33 In re Al-Site Corp., 230 F.3d 1380 (Fed.Cir. Feb 01, 2000) (TABLE, TEXT IN WESTLAW, NO. 607)
- Magnivision, Inc. v. Bonneau Co., 115 F.3d 956, 42 U.S.P.Q.2d 1925 (Fed.Cir.(Cal.) Jun 09, 1997) (NO. 95-1093), rehearing denied, in banc suggestion declined (Aug 08, 1997) (BNA Version)

 Certiorari Denied by
- H 35 Bonneau Co. v. Magnivision, Inc., 522 U.S. 1090, 118 S.Ct. 880, 139 L.Ed.2d 869, 66 USLW 3355, 66 USLW 3489, 66 USLW 3490 (U.S. Jan 26, 1998) (NO. 97-785)

 AND On Remand to
- Magnivision, Inc. v. Bonneau Co., 33 F.Supp.2d 1218 (C.D.Cal. Oct 13, 1998) (NO. CV 91-2167 DT TX, CV 92-7553 DT JGX, CV 97-8351 DT JGX)

 Affirmed in Part, Reversed in Part by
- H 37 Magnivision, Inc. v. Bonneau Co., 250 F.3d 758 (Fed.Cir. Jun 15, 2000) (TABLE, TEXT IN WESTLAW, NO. 99-1093, 99-1108, 99-1094, 99-1105), rehearing and rehearing en banc denied (Jul 24, 2000)

Negative Indirect History (U.S.A.)

Distinguished by

- Relume Corp. v. Dialight Corp., 63 F.Supp.2d 788 (E.D.Mich. Aug 26, 1999) (NO. 98-CV-72360)

 *** HN: 20,21,22 (F.3d)
- Depuy Orthopaedics Inc. v. Androphy, 2000 WL 297814, 53 U.S.P.Q.2d 1941 (N.D.III. Jan 19, 2000) (NO. 97 C 8017, 99 C 0068) ** HN: 5,17,22 (F.3d) (BNA Version)
- 40 ANDREW H. CRAGG AND MICHAEL D. DAKE, JUNIOR PARTY, (APPLICATION 081461,402), v. ERIC C. MARTIN, JUNIOR PARTY, (APPLICATION 5,575,817), v. THOMAS J. FOGARTY, JAY A. LENKER, TIMOTHY J. RYAN AND KIRSTEN FREISLINGER, SENIOR PARTY, (APPLICATION 081463,836)., 2001 WL 1339890 (Bd.Pat.App & Interf. 2001) (NO. INTERFERENCE 104,192) ** HN: 20 (F,3d)
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- H 41 Sule v. Kloehn Co., Ltd., 149 F.Supp.2d 115 (D.N.J. Jun 18, 2001) (NO. CIV. A. 95-1090 (HAA)
- 42 Cummins-Allison Corp. v. Glory Ltd., 2003 WL 355470 (N.D.III. Feb 12, 2003) (NO. 02 C 7008)
- H 43 Icon Health & Fitness, Inc. v. Sportcraft, Ltd., 272 F.Supp.2d 384 (D.N.J. Jul 18, 2003) (NO. CIV.A.01-5379 AMW) ** HN: 2 (F.3d)
 - 44 NPC, Inc. v. International Precast Supply, Inc., --- F.Supp.2d ----, 2004 WL 2181756, 2004 DNH 142 (D.N.H. Sep 28, 2004) (NO. CIV.03-029-JM) ★ ★

Related References (U.S.A.)

- H 45 Al-Site Corp. v. Opti-Ray, Inc., 1992 WL 209330, 23 U.S.P.Q.2d 1235 (E.D.N.Y. May 26, 1992) (NO. CV-91-1770) (BNA Version)
- H 46 Al-Site Corp. v. Opti-Ray, Inc., 1993 WL 455077, 28 U.S.P.Q.2d 1058 (E.D.N.Y. May 28, 1993) (NO. CV-91-1770, CV-92-4205) (BNA Version)
- 47 Al-Site Corp v. VSI Intern., Inc., 842 F.Supp. 507 (S.D.Fla. Dec 20, 1993) (NO. 91-0847-CIV-ATKINS, 92-0523-CIV-ATKINS, 92-2016-CIV-ATKINS, 93-0035-CIV-ATKINS)
- 48 Magnivision, Inc. v. Opti-Ray, Inc., 1995 WL 151778 (E.D.N.Y. Mar 30, 1995) (NO. CV-91-1770, CV-92-4205)

 Dismissed by
- 49 Magnivision, Inc. v. Opti-Ray, Inc., 77 F.3d 501 (Fed.Cir.(N.Y.) Nov 23, 1995) (TABLE, TEXT IN WESTLAW, NO. 94-1017, 94-1022, 95-1158, 95-1298, 96-1001, 96-1006)
- H 50 Al-Site Corp. v. VSI Intern., Inc., 902 F.Supp. 1551, 36 U.S.P.Q.2d 1054 (S.D.Fla. Jun 12, 1995) (NO. 91-0847-CIV, 92-2016-CIV, 94-1920-CIV) (BNA Version)
- H 51 Al-Site Corp. v. VSI International Inc., 38 Fed.Appx. 589, 2002 WL 1333615 (Fed.Cir. Jun 06, 2002) (Not selected for publication in the Federal Reporter, NO. 02-1354, 02-1364)
- Al-Site Corp. v. VSI Intern., Inc., 41 Fed.Appx. 387, 2002 WL 1543891 (Fed.Cir. Jul 01, 2002) (Not selected for publication in the Federal Reporter, NO. 02-1413)
- Magnivision, Inc. v. Bonneau Co., 2003 WL 23320550 (C.D.Cal. Dec 18, 2003) (NO. CV 91-2167-DT, CV 92-7553-DT, CV 97-8351 DT)

Court Documents Appellate Court Documents (U.S.A.)

U.S. Appellate Petitions, Motions and Filings

- 54 THE BONNEAU COMPANY, Petitioner, v. MAGNIVISION, INC., Respondent., 1997 WL 33549481 (Appellate Petition, Motion and Filing) (U.S. Nov. 06, 1997) Petition for a Writ of Certiorari (NO. 97-785)
- ORIGINAL IMAGE OF THIS DOCUMENT WITH APPENDIX (PDF)
 THE BONNEAU COMPANY, Petitioner, v. MAGNIVISION, INC., Respondent., 1997 WL
 33549235 (Appellate Petition, Motion and Filing) (U.S. Dec. 23, 1997) Opposition to Petition for a Writ of Certiorari (NO. 97-785)
 ORIGINAL IMAGE OF THIS DOCUMENT (PDF)
- 56 THE BONNEAU COMPANY, Petitioner, v. MAGNIVISION, INC., Respondent., 1998 WL 34103161 (Appellate Petition, Motion and Filing) (U.S. Jan. 21, 1998) Reply Brief (NO. 97-785) ORIGINAL IMAGE OF THIS DOCUMENT (PDF)

C.A.Fed. Appellate Briefs

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- 57 MAGNIVISION, INC., Plaintiff-Appellant, v. THE BONNEAU COMPANY, Defendant-Appellee., 1997 WL 33539095 (Appellate Brief) (C.A.Fed. Jul. 16, 1997) Opposition to the Combined Petition for Rehearing and Suggestion for Rehearing in Banc for Defendant (NO. 95-1093) ORIGINAL IMAGE OF THIS DOCUMENT (PDF)
- 58 AL-SITE CORPORATION AND MAGNIVISION, INC., Plaintiffs-Appellants, v. VSI INTERNATIONAL, INC. and Myron Orlinsky, Defendants-Appellees., 1997 WL 33544957 (Appellate Brief) (C.A.Fed. Dec. 10, 1997) Brief for Appellants Al-Site Corporation and Magnivision, Inc. (NO. 97-1593) ORIGINAL IMAGE OF THIS DOCUMENT WITH APPENDIX (PDF)
- 59 AL-SITE CORPORATION and Magnivision, Inc., Plaintiffs-Appellants, v. VSI INTERNATIONAL, INC. and Myron Orlinsky, Defendants-Cross-Appellants., 1998 WL 34097792 (Appellate Brief) (C.A.Fed. Jan. 20, 1998) Brief of Defendants-Cross-Appellants VSI International Inc. and Myron Orlinsky (NO. 97-1593, 98-1108) ORIGINAL IMAGE OF THIS DOCUMENT (PDF)
- 60 AL-SITE CORPORATION and Magnivision, Inc., Plaintiffs-Appellants, v. VSI INTERNATIONAL, INC. and Myron Orlinsky, Defendants/Cross-Appellants., 1998 WL 34097790 (Appellate Brief) (C.A.Fed. Mar. 06, 1998) Reply and Opposition Brief of Appellants Al-Site Corporation and Magnivision, Inc. (NO. 97-1593, 98-1108) ORIGINAL IMAGE OF THIS DOCUMENT (PDF)
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- 62 MAGNIVISION INC, Plaintiff Appellant, v. THE BONNEAU COMPANY and Foster Grant Group L P, Defendant/Cross Appellants., 1999 WL 33606790 (Appellate Brief) (C.A.Fed. Feb. 09, 1999) Corrected Brief for Plaintiff Appellant Magnivision, Inc (NO. -1094, -1105, -1108, 99-1093) ORIGINAL IMAGE OF THIS DOCUMENT WITH APPENDIX (PDF)
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⁷⁰ AL-SITE CORPORATION v. VSI INTERNATIONAL, ET AL, NO. 1:92CV02016 (Docket) (S.D.Fla. Sep. 02, 1992)

⁷¹ MAGNIVISION, INC. v. VSI INTERNATIONAL, ET AL, NO. 1:94CV01920 (Docket) (S.D.Fla. Sep. 19, 1994)